

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 201</p> <p>1 So do you have any knowledge of Bradley 2 Phelps?</p> <p>3 A. Not prior to her suspension because I found 4 all of that whenever we were going through the 5 hearings and stuff.</p> <p>6 Q. Do you know Ashton Ott?</p> <p>7 A. Yes.</p> <p>8 Q. What's your relationship with Ashton Ott?</p> <p>9 A. My relationship? I don't have a relationship 10 with her.</p> <p>11 Q. How do you know her?</p> <p>12 A. She was our city prosecutor for a while -- for 13 a time period.</p> <p>14 Q. Did you interact with her when you were a 15 magistrate?</p> <p>16 A. Yes.</p> <p>17 Q. And how did the two of you get along?</p> <p>18 A. Sometimes, we were okay. And then there were 19 times where I think she overstepped her 20 boundaries with telling me how to do my job.</p> <p>21 Q. In what way?</p> <p>22 A. Well, there was instances when she told me 23 that I shouldn't have issued a warrant or, you</p>	<p style="text-align: right;">Page 203</p> <p>1 Q. Donna Nicholson?</p> <p>2 A. Nicholson.</p> <p>3 Q. Anybody else?</p> <p>4 A. I don't -- not that I can recall.</p> <p>5 Q. Do you know how she and Nancy Martin got 6 along?</p> <p>7 A. I don't know. I don't know.</p> <p>8 Q. How often were you in the courtroom on a 9 weekly basis?</p> <p>10 A. I wasn't in the courtroom that much because my 11 duties were more centered around working in 12 the office than working court. I did do 13 prisoners with Sarah, but that was whenever, 14 you know, we didn't hardly have anybody in the 15 courtroom other than the prisoners. Like we 16 had a public defender and a city prosecutor 17 and, of course, the judge. But most of the 18 time --</p> <p>19 Q. Ashton Ott was the city prosecutor at one 20 time?</p> <p>21 A. She was one of them. She was not the only 22 one, but she was one of them.</p> <p>23 Q. Who were the others?</p>
<p style="text-align: right;">Page 202</p> <p>1 know, how to do something and not subpoena 2 this person or not to subpoena that person if 3 a case was set for trial.</p> <p>4 Q. And you disagreed with her?</p> <p>5 A. Well, if a case is set to trial, I'm supposed 6 to subpoena the witnesses and make sure that 7 the victim and witnesses are in court.</p> <p>8 Q. So you did disagree with her?</p> <p>9 A. I disagreed with some of the things, but I 10 didn't -- not everything.</p> <p>11 Q. Did you report to her in any way?</p> <p>12 A. Did I report to her?</p> <p>13 Q. In a supervisory role?</p> <p>14 A. I don't know what you -- what you -- what do 15 you mean?</p> <p>16 Q. I mean, she was not your supervisor, was she?</p> <p>17 A. No. No, no, no. No.</p> <p>18 Q. Do you know if she ever made a complaint about 19 you to anyone?</p> <p>20 A. I don't know if she did.</p> <p>21 Q. Did you ever complain to anyone about her?</p> <p>22 A. I complained to a Donna about an incident that 23 happened in the court room.</p>	<p style="text-align: right;">Page 204</p> <p>1 A. Kevan Kelly was one.</p> <p>2 Q. The people with the city attorney's office?</p> <p>3 A. Yes.</p> <p>4 Q. I know I'm jumping around, but you said you 5 really wasn't in the courtroom that much. 6 Which magistrates would generally be in 7 the courtroom more than others?</p> <p>8 A. It depended on if they were assigned that. 9 Like I said, we kind of swapped around duties, 10 and part of that would be working court. 11 Of course, if you -- the more you worked court, 12 the less actual job -- other job duties that 13 you had inside the office because you were in 14 court more. So you wouldn't have that much 15 time to spend on working on your other 16 assigned duties. If some did have other 17 things, there were small things. But --</p> <p>18 Q. That's what I'm trying to get a handle on: 19 Who was in the courtroom more -- which 20 magistrates were in the courtroom more than 21 others?</p> <p>22 A. Well, we had Valarie Salvage, Michelle Bryan, 23 Eunice, Lavera, Sarah, and myself. I didn't</p>

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<p>1 work court that much, but I did do -- I did do 2 some. 3 Q. Some? 4 A. And then the other person would be in the 5 fines room where they collected the moneys 6 from court, so it just depended. 7 Q. But you're saying there was like a rotation 8 system that everybody would have an 9 opportunity to learn -- 10 A. I think everybody had -- 11 Q. -- work court? 12 A. And was proficient working in the courtroom. 13 Q. And some people, though, would rotate and work 14 these other non-courtroom duties that you're 15 talking about. 16 A. Right. 17 Q. Back to Mary Turner. There was a time period 18 where she was placed on leave. Were you aware 19 of that? 20 A. Yes. 21 Q. Administrative leave. And she was ultimately 22 terminated; were you aware of that? 23 A. Yes.</p>	<p>1 A. No. 2 Q. And why is that? 3 A. I just -- 4 MR. JAFFREE: Well, she don't make 5 the decision. 6 MS. NELSON: I'm just asking her 7 factually. 8 Q. To your knowledge. 9 MR. JAFFREE: You're talking about 10 legal strategy. 11 Q. Does Mary Turner have knowledge about facts 12 that support your case? 13 A. I don't know if she does or not. 14 Q. Well, she's listed in your initial disclosure, 15 so I have a right to ask what you think Mary 16 Turner knows about -- 17 MR. JAFFREE: You're asking if she's 18 going to call her as a witness. 19 That's not her prerogative. 20 Q. Well, what does Mary Turner -- what knowledge 21 does she have about the allegations in your 22 case, this case that I'm questioning you 23 about?</p>
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<p>1 Q. And how were you aware of that? 2 A. We all knew that she was fired, I mean, when 3 she didn't show up for work. But she also 4 told me that she was fired. 5 Q. And when did she tell you that? 6 A. I'm sure it was shortly afterwards. I'm 7 not -- I don't remember the exact date. 8 Q. And you said, the two of you were friends, 9 went to church together; is that correct? 10 A. Yes, we were close friends. 11 Q. Are you still close friends? 12 A. Yes, we are. 13 Q. Did you ever -- I asked about testimony. Did 14 you ever testify in any hearing that she was 15 involved in -- criminal proceeding that she 16 was involved in? 17 A. I didn't -- I didn't testify in a criminal 18 proceeding. I'm not -- I don't think I 19 testified in her personnel hearing. I think I 20 was listed as a witness, but I don't think I 21 was ever called. I don't recall that. 22 Q. Do you anticipate her being a witness on your 23 behalf in this case -- your case?</p>	<p>1 A. I don't know if she has any. I don't know what Mary knows about this. 2 Q. You were telling me earlier that Officer 3 Etress came over to the magistrate's office 4 to -- maybe I'm getting two things confused. 5 You said there was someone came to the 6 magistrate's office because there was some 7 concern that some information had been 8 released about Mary Turner? 9 A. Yes. 10 Q. Tell me what you told -- 11 A. Sergeant Keith Gray. 12 Q. Sergeant Gray? 13 A. Yes. 14 Q. And do you know how it was that Sergeant Gray 15 came to come talk to the group? 16 A. I don't know who advised him. No. 17 Q. To your knowledge, did -- do you have any 18 knowledge that Judge Gordon was in any way 19 involved in that? 20 A. Well, she was in on the -- whenever we had a 21 meeting with everybody. She was the one 22 that -- that told us that Mary was placed on</p>

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<p style="text-align: right;">Page 209</p> <p>1 leave.</p> <p>2 Q. That was a different time than when Keith Gray</p> <p>3 came?</p> <p>4 A. Yes.</p> <p>5 Q. And Judge Gordon is the department head; is</p> <p>6 that correct?</p> <p>7 A. Yes.</p> <p>8 Q. And what did Judge Gordon say to you and to</p> <p>9 the group when she made a statement about</p> <p>10 Mary?</p> <p>11 A. She just said that Mary was on leave and she</p> <p>12 didn't know all the particulars but she did</p> <p>13 know it involved something with a traffic</p> <p>14 ticket.</p> <p>15 Q. What else did she say?</p> <p>16 A. She just said that we were not supposed to go</p> <p>17 in her office, and she assigned me Mary job</p> <p>18 duties, to do the AWS. And she said, we were</p> <p>19 not to have any contact with Mary Turner.</p> <p>20 MR. JAFFREE: Can we go off the</p> <p>21 Record?</p> <p>22 (Brief recess)</p> <p>23 Q. You were instructed not to have any contact</p>	<p style="text-align: right;">Page 211</p> <p>1 get that for me, that it was on her desktop on</p> <p>2 her computer. And she said, no, that we</p> <p>3 couldn't go in her office.</p> <p>4 And I said, well, can you get IT to</p> <p>5 retrieve it and send it to me on my computer.</p> <p>6 And she said, no.</p> <p>7 And I said, well, I need that form.</p> <p>8 And she said, well, you'll just have to</p> <p>9 find a case that has it.</p> <p>10 And I explained to her, that's very</p> <p>11 difficult to do. It's kind of like finding a</p> <p>12 needle in a haystack. You'd have to go</p> <p>13 through every single case.</p> <p>14 Q. And what form were you looking for?</p> <p>15 A. It's a show-cause letter, the form that we for</p> <p>16 the show-cause hearings.</p> <p>17 Q. And so you picked up the phone and called?</p> <p>18 A. So I called her and I asked her.</p> <p>19 And she said that that was something that</p> <p>20 Betty King had made up when she was there,</p> <p>21 and the only -- the original was on her</p> <p>22 desktop on her PC.</p> <p>23 And I said, okay, thank you. And that was</p>
<p style="text-align: right;">Page 210</p> <p>1 with Mary Turner; is that correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And all the magistrates were present?</p> <p>4 A. Yes.</p> <p>5 Q. Did anybody ask any questions, what does this</p> <p>6 mean?</p> <p>7 A. I don't -- I don't remember if they did. They</p> <p>8 might have, but I don't -- I don't know who it</p> <p>9 was or what the question would have been.</p> <p>10 Q. And do you remember when that meeting was?</p> <p>11 A. No. I don't -- I don't remember the date.</p> <p>12 Q. Did you have any conversations with Mary</p> <p>13 Turner?</p> <p>14 A. Yes.</p> <p>15 Q. And how many conversations did you have with</p> <p>16 her?</p> <p>17 A. I conversated with her at church. I was given</p> <p>18 her assigned duties. And one particular duty</p> <p>19 that she had was doing the show-cause</p> <p>20 hearings. And I needed the form that she used</p> <p>21 because there was quite a few that needed to</p> <p>22 be done.</p> <p>23 And I asked Michelle Sellers if she could</p>	<p style="text-align: right;">Page 212</p> <p>1 that.</p> <p>2 Q. And did you ever go to the judge and ask her</p> <p>3 about whether it would be okay for you to call</p> <p>4 Mary Turner?</p> <p>5 A. No, I didn't.</p> <p>6 Q. Mary Turner -- excuse me -- Judge Gordon said</p> <p>7 nothing about calling Mary Turner if you</p> <p>8 needed her help on how to process something,</p> <p>9 did she?</p> <p>10 A. No.</p> <p>11 Q. She said, Do not talk to Mary Turner, period?</p> <p>12 A. Well, I don't -- I don't think Judge Gordon</p> <p>13 could say whenever I could or could not talk</p> <p>14 to her when I was not on duty. So, you know,</p> <p>15 I mean, I have Sunday School with this woman,</p> <p>16 and I see her. We associate together. And</p> <p>17 I -- you know, I spoke to her at church.</p> <p>18 Q. And how many times did you speak to her at</p> <p>19 church while she was suspended?</p> <p>20 A. I don't know. I don't know. It -- you know,</p> <p>21 we were there on Sunday and Wednesday. So</p> <p>22 I -- I couldn't tell you.</p> <p>23 Q. Does she go every Sunday and Wednesday?</p>

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<p style="text-align: right;">Page 213</p> <p>1 A. She tries to. 2 Q. Do you go every Sunday and Wednesday? 3 A. I try to unless I'm sick or out of town. 4 Q. And you earlier testified, you knew she was 5 terminated because she told you; is that 6 correct? 7 A. Yes. 8 Q. Did you talk to her about the reason she was 9 terminated? 10 A. I'm sure we talked about it, but I don't 11 remember if she went into a lot of detail. I 12 don't know. 13 Q. And to your knowledge, did anyone else call 14 Mary Turner up and ask her about forms or how 15 to process something? 16 A. Not to my knowledge. 17 Q. I think you later said that subsequently -- 18 Let me this: Did you ever get your 19 show-cause letter? 20 A. No. 21 Q. Did you find the form? 22 A. No. 23 Q. Do you know Bettye King?</p>	<p style="text-align: right;">Page 215</p> <p>1 talked to each one of us individually or was 2 supposed to. I know he talked to me. 3 Q. To your knowledge, did he talk to others? 4 A. I know that he talked to Sarah Fowler. 5 Q. And how do you know that? 6 A. Because I saw her going in there. 7 Q. Do you know of anybody else he talked to? 8 A. Not a personal knowledge, no. 9 Q. But you had reason to believe he talked -- 10 A. I had reason to believe he talked to 11 everybody. 12 Q. And what's your understanding of what he was 13 looking into? 14 A. He was trying to find out who told the 15 information about Mary's investigation to the 16 public or to this -- I don't know if it was 17 Rickey Stokes or some other person. But they 18 wanted to know. They said that that 19 information had to come from our office, and 20 he was going to figure out which one of us did 21 it. 22 Q. Who was Rickey Stokes? 23 A. He is a bondsman.</p>
<p style="text-align: right;">Page 214</p> <p>1 A. She was not there anymore. 2 Q. I know. But do you know how you could reach 3 her? 4 A. I didn't know -- 5 Q. Did you ask Michelle? 6 A. I asked -- I didn't ask Michelle how to reach 7 Bettye King. Michelle didn't offer to call 8 Bettye King. 9 Q. Did you ask the judge? 10 A. No. 11 Q. Did you ask the judge about the show-cause 12 letter? 13 A. No. 14 Q. You were earlier testifying that Sergeant Gray 15 came to the magistrate's office to inquire 16 about who had released some information about 17 Mary Turner? 18 A. Yes. 19 Q. That's my terms. 20 Did he talk to the group as a whole? 21 A. I think he did. I'm not -- I'm not positive 22 on that. I kind of -- I -- if I remember 23 correctly, he did. But I do know that he</p>	<p style="text-align: right;">Page 216</p> <p>1 Q. Does he do anything else? 2 A. I don't know. 3 Q. Do you ever listen to the radio? 4 A. He doesn't -- 5 Q. Does he have any other kind of job? 6 A. I don't know. He doesn't have a radio 7 program. 8 Q. Ever heard him on talk radio? 9 A. I've heard him years ago on talk radio, but I 10 don't listen to that. So I don't know. I 11 mean, I couldn't tell you if he still does 12 that, if that's your question. I know he did 13 years ago. 14 Q. Does he have -- 15 A. But I don't know if he still does. 16 Q. Excuse me. Does he have any type of web site? 17 A. Oh, he does. He does have a web site. That's 18 correct. 19 Q. And what's his web site? 20 A. It's Rickey Stokes News dot com. 21 Q. Is this a job for him? 22 A. I don't know. I don't know if he -- I don't 23 know if it's anybody else's, and he just does</p>

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<p style="text-align: right;">Page 217</p> <p>1 it for them. I don't know.</p> <p>2 Q. And he's a bondsman; is that what you said?</p> <p>3 A. Yes.</p> <p>4 Q. What's the name of his bonding company?</p> <p>5 A. I think it's A-Advantage bonding.</p> <p>6 Q. Did you know him as a bondsman?</p> <p>7 A. Yes.</p> <p>8 Q. Has he still got this bonding company?</p> <p>9 A. I assume.</p> <p>10 Q. Tell me what kind of interaction you have with the bonding company as a magistrate?</p> <p>11 A. Oh, if there is question about a bond, if they're going to make somebody's bond or how much that person's bond is. If they had somebody on bond and they failed to show up in court, they would call to maybe get or apply for a bondsman's process.</p> <p>12 Q. A what process?</p> <p>13 A. Bondsman's process.</p> <p>14 We work with them. They'll be in the courtroom to make sure their defendant show up in court.</p> <p>15 Q. As a magistrate, do you have any say in who a</p>	<p style="text-align: right;">Page 219</p> <p>1 seen it.</p> <p>2 Q. And was this before Sergeant Gray came in?</p> <p>3 A. I don't know. I couldn't tell you. I did not know that Sergeant Gray or anybody was assigned to that until we had read that on Rickey Stokes, and then we found -- I found out what it was about whenever Officer Etress questioned me. So we did not know other than what Judge Gordon had told us as to why Mary was placed on suspension.</p> <p>4 Q. Did you release any information to the news or Rickey Stokes about Mary Turner?</p> <p>5 A. No, I did not.</p> <p>6 Q. Do you know of anyone in the office that did?</p> <p>7 A. No, I do not.</p> <p>8 Q. You're saying that's what Sergeant Gray was investigating?</p> <p>9 A. That's what he was asking me.</p> <p>10 Q. You don't know what he asked --</p> <p>11 A. I don't know what he asked everybody else.</p> <p>12 Q. In the course of that investigation, did he ask you if you had released any information?</p> <p>13 A. I don't know. He may have. It was taped. So</p>
<p style="text-align: right;">Page 218</p> <p>1 defendant selects as a bondsman if they're arrested?</p> <p>2 A. No. We tell them to go to the phone book, or there is a listing at the jail.</p> <p>3 Q. Does that occur with you or at the jail?</p> <p>4 A. Well, sometimes, it's like if you've got a person that is trying to get a person out of jail, they'll come to our office if we're opened and find out, what does it take for them to get out of jail. And we'll tell them what the bond is and that sort of thing, and we'll tell them their options of making those bonds.</p> <p>5 Q. Okay. Now, to your knowledge, had -- when Sergeant Gray was over there interviewing, he was trying to determine who had revealed some information about Mary Turner?</p> <p>6 A. Correct.</p> <p>7 Q. And, apparently, some information -- was the information published through Rickey Stokes?</p> <p>8 A. I learned after the fact that it was on his web site. I know Ann Baxter had it pulled up at her station, and she had asked if we had</p>	<p style="text-align: right;">Page 220</p> <p>1 you --</p> <p>2 Q. Did he ask you if you talked to Mary Turner?</p> <p>3 A. Not the first time he questioned me. I believe it was the second time he questioned me he asked me.</p> <p>4 Q. I'm getting confused. He's questioned you how many times?</p> <p>5 A. Questioned me twice.</p> <p>6 Q. Twice. And do you know the dates that he questioned you?</p> <p>7 A. I know that it was -- I believe it was the next day that he questioned me the second time after the first time he questioned me, but I don't remember the dates -- exact dates.</p> <p>8 Q. And was this done in your office or magistrate's office?</p> <p>9 A. It was done in the magistrate's office.</p> <p>10 Q. Did you have an office?</p> <p>11 A. Yes, I did.</p> <p>12 Q. And he came to your office?</p> <p>13 A. No. He was set up in the -- in a front room that we had just used for general purposes.</p> <p>14 It was not an office of anybody.</p>

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<p style="text-align: right;">Page 221</p> <p>1 Q. Was anybody else present other than yourself 2 and Sergeant Gray? 3 A. No. 4 Q. And the first time he was over there, anybody 5 present besides yourself and Sergeant Gray? 6 A. No. 7 Q. To your knowledge, when he came back the 8 second time, did he talk to anybody else 9 besides yourself? 10 A. I don't know. 11 Q. You don't know? 12 A. No. 13 Q. And you're saying, you remember the second 14 time he asked you about -- 15 A. I believe that was when he asked me if I had 16 contacted Mary Turner. 17 Q. And what did you tell him? 18 A. I told him, yes. 19 Q. And did you describe the circumstances that 20 you had talked to her? 21 A. I probably it, but I don't remember exactly 22 everything that was said. 23 Q. And do you remember when it was that you</p>	<p style="text-align: right;">Page 223</p> <p>1 writing "void" on there. You were also, at 2 that same time, you were also charged with a 3 violation of Personnel Rule 3-42(14), 4 insubordination? 5 A. That's not in addition to. That is one of 6 two. You had stated that first and then the 7 transmittal, and then you said, in addition to 8 this. 9 Q. Well, I mean, I apologize. Strike that. 10 A. I'm sorry. 11 Q. On the same date you were given notice of two 12 different charges against you? 13 A. Correct. 14 Q. Two different major offenses against you? 15 A. Correct. 16 Q. Maybe I said it confusingly. One had to do 17 with the Stephen Phelps matter that we've 18 talked about? 19 A. Correct. 20 Q. The transmittal. And then the second one had 21 to do with the insubordination? 22 A. Correct. 23 Q. And the charge was that you had willfully, by</p>
<p style="text-align: right;">Page 222</p> <p>1 talked to Sergeant Gray the first and/or the 2 second time? 3 A. I believe I've already told you, no, I don't. 4 I mean, I don't -- I don't remember the dates. 5 Q. Do you know if he made any recommendation 6 about your employment or whether you had 7 violated any rule or protocol? 8 A. He didn't tell me. 9 Q. You don't know? 10 A. I don't -- no. I don't know. 11 Q. And after that, were you charged with a major 12 offense for talking to Mary Turner when you 13 had been instructed not to? 14 A. Yes. 15 Q. And you were charged with insubordination; is 16 that correct? 17 A. That's correct. 18 Q. And I've showed you this Defendants' Exhibit 19 32 that we talked about with the Stephen 20 Phelps ticket. Well, in addition to the 21 Stephen Phelps -- what I'm calling the Stephen 22 Phelps ticket we've just discussed, and the 23 writing through the transmittal sheet and</p>	<p style="text-align: right;">Page 224</p> <p>1 your own admission -- and I'm reading from the 2 charge now. 3 A. Yes. 4 Q. "That you willfully, by your own admission, 5 disobeyed a directive from your department 6 head to refrain from any contact with Mary 7 Turner during the police department 8 investigation of Mrs. Turner. You admittedly 9 understood this directive and chose to 10 disregard it by calling Ms. Turner. This is a 11 major offense." 12 That's what you were charged with? 13 A. Correct. 14 Q. Were you told by -- I'm backing up a little 15 bit. 16 When Judge Gordon met with the magistrates 17 and everybody was told to refrain from 18 contacting Mary Turner, were y'all told that a 19 police department investigation was going 20 on -- would be going on? 21 A. I'm not sure. I know that the judge said that 22 there was an investigation. 23 Q. An investigation?</p>

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<p style="text-align: right;">Page 225</p> <p>1 A. But I don't -- I mean, she could have used 2 "police," but I don't recall the exact words. 3 (Defendant's Exhibit 33 was marked 4 for identification.)</p> <p>5 Q. And I'm showing you Defendants' Exhibit 33. 6 You were placed on leave; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. As reflected on this document?</p> <p>9 A. Yes.</p> <p>10 (Defendant's Exhibit 37 was marked 11 for identification.)</p> <p>12 Q. And then, Ms. Brackin, you were actually then 13 served with this Notice of Decision to 14 Terminate, which I've marked as Defendants' 15 Exhibit 37?</p> <p>16 A. Yes.</p> <p>17 Q. So you did receive a copy of it?</p> <p>18 A. Yes.</p> <p>19 Q. And you signed it; is that correct?</p> <p>20 A. Yes, I did.</p> <p>21 Q. And then you did file a -- you appealed your 22 termination; is that correct?</p> <p>23 A. Yes, I did.</p>	<p style="text-align: right;">Page 227</p> <p>1 A. He issued an opinion. 2 Q. Do you have a copy of that? 3 A. I don't know if I've got that with me or not. 4 THE WITNESS: Did you bring it? 5 MR. JAFFREE: I don't have a copy of 6 it with me.</p> <p>7 Q. That's okay. And the case went up to the 8 Appellate Court. It was remanded back down to 9 the Personnel Board; is that your 10 understanding?</p> <p>11 A. Yes.</p> <p>12 Q. And then the Personnel Board upheld your 13 termination again; is that correct?</p> <p>14 A. Yes. But they had to look at different -- 15 they could not look at the totality of the 16 charges. They only had to look at a certain 17 part, was my interpretation.</p> <p>18 Q. For instance, they could not look at the -- 19 again, I'm not trying to draw a legal 20 conclusion. I'm just trying to get your 21 understanding.</p> <p>22 A totality. Do you know which part they 23 were not supposed to look at?</p>
<p style="text-align: right;">Page 226</p> <p>1 Q. And we've talked a little bit about that. You 2 had a hearing before the Personnel Board, and 3 they basically upheld your termination; is 4 that correct?</p> <p>5 A. Yes.</p> <p>6 (Defendant's Exhibit 38 was marked 7 for identification.)</p> <p>8 Q. And I'm going to show you what I've marked as 9 Defendants' Exhibit 38. Have you seen that?</p> <p>10 A. Yes.</p> <p>11 Q. A copy of the board's decision --</p> <p>12 A. Yes.</p> <p>13 Q. -- upholding termination?</p> <p>14 It's dated August 19th, 2005?</p> <p>15 A. Yes.</p> <p>16 Q. And then you appealed again to the circuit 17 court?</p> <p>18 A. Yes, I did.</p> <p>19 Q. And Judge White reversed the decision?</p> <p>20 A. Yes, he did.</p> <p>21 Q. Did he issue an opinion or just --</p> <p>22 A. Yes, he did.</p> <p>23 Q. -- or a reversal?</p>	<p style="text-align: right;">Page 228</p> <p>1 A. Yes, I do.</p> <p>2 Q. Which part was that?</p> <p>3 A. They were not supposed to take into 4 consideration the transmittal situation.</p> <p>5 Q. Okay. What I'm calling the Stephen Phelps 6 transmittal form?</p> <p>7 A. Yes.</p> <p>8 (Defendant's Exhibit 39 was marked 9 for identification.)</p> <p>10 Q. I'm showing you Defendants' 39, is another 11 board decision, dated January 8th, 2007.</p> <p>12 Have you seen a copy of that?</p> <p>13 A. I don't know if I got a copy of that or not.</p> <p>14 THE WITNESS: Did you -- you might 15 not have sent me that.</p> <p>16 A. I'm sure I did. I might have. They probably 17 sent one to me and my attorney, but I'm not 18 sure. But -- but I'm aware of it.</p> <p>19 Q. Now, we talked -- you've held two jobs since 20 you left the City; is that correct, the City 21 of Headland?</p> <p>22 A. Yes.</p> <p>23 Q. And the city of --</p>

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<p style="text-align: right;">Page 229</p> <p>1 A. Newton.</p> <p>2 Q. The Town of Newton.</p> <p>3 You filed a charge of discrimination with</p> <p>4 the Equal Employment Opportunity Commission;</p> <p>5 is that correct?</p> <p>6 A. Yes.</p> <p>7 (Defendants' Exhibit 40 was marked</p> <p>8 for identification.)</p> <p>9 Q. And let me show you a copy of what appears to</p> <p>10 be the charges that you filed with the Equal</p> <p>11 Employment Opportunity Commission. Just take</p> <p>12 a minute and see if you can just identify that</p> <p>13 for me if that's what that document, Exhibit</p> <p>14 40, is.</p> <p>15 MR. JAFFREE: Before you answer, let</p> <p>16 me see.</p> <p>17 Q. Ms. Brackin, Defendants' Exhibit 40, that's</p> <p>18 your Charge of Discrimination to the EEOC</p> <p>19 against the City of Dothan and Judge Gordon;</p> <p>20 is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And you have signed this; is that correct?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 231</p> <p>1 A. No.</p> <p>2 Q. In fact, Judge Gordon was the person that</p> <p>3 hired you; is that correct?</p> <p>4 A. That's correct.</p> <p>5 Q. Who are you referring to that you contend that</p> <p>6 she bumped?</p> <p>7 A. Well, I know that Wendy Jones was one. She</p> <p>8 had actually work in that office since she had</p> <p>9 applied for the job. I think -- I think that</p> <p>10 was Wendy's last name. I'm not sure, but I</p> <p>11 know -- I think she got married, though, since</p> <p>12 then. So I'm not sure what her married name</p> <p>13 is.</p> <p>14 Q. Wendy Jones and who?</p> <p>15 A. I'm not sure. I don't recall --</p> <p>16 Q. And how --</p> <p>17 A. -- who the other one was. I know that there</p> <p>18 were some dispatchers that applied, but I'm</p> <p>19 not sure what their names were.</p> <p>20 Q. And how is it -- what facts do you have to</p> <p>21 support that they were bumped?</p> <p>22 A. Just by what I was told as who made the</p> <p>23 positions, that whenever I found out about the</p>
<p style="text-align: right;">Page 230</p> <p>1 Q. I want to go over some of your allegations and</p> <p>2 ask you some questions about.</p> <p>3 A. Okay.</p> <p>4 Q. You stated that when you returned as a</p> <p>5 magistrate in April of 2001 -- excuse</p> <p>6 me -- prior to your transfer to the</p> <p>7 magistrate's job in 2001, that Judge Gordon</p> <p>8 who is black had been appointed as municipal</p> <p>9 judge. So you knew she was in the office and</p> <p>10 would be your supervisor, head of department,</p> <p>11 when you applied for that job; is that</p> <p>12 correct?</p> <p>13 A. That's correct.</p> <p>14 Q. And you said, "After her hire" -- talking</p> <p>15 about Judge Gordon -- "she started to make</p> <p>16 race-based decisions. She bumped two</p> <p>17 prospective black magistrates candidates over</p> <p>18 white candidates that were higher than they on</p> <p>19 the employment roster."</p> <p>20 Is that your allegation?</p> <p>21 A. Yes.</p> <p>22 Q. Is it your contention that you were bumped off</p> <p>23 the roster in any way?</p>	<p style="text-align: right;">Page 232</p> <p>1 position rankings, they -- I know that Wendy</p> <p>2 wasn't hired or the dispatchers weren't</p> <p>3 hired. So --</p> <p>4 Q. Who told you this?</p> <p>5 A. I don't -- I don't know if they -- they that</p> <p>6 told me or if it was just talk amongst who all</p> <p>7 made what on the score to the list and who was</p> <p>8 where because I do know there was some city</p> <p>9 employees that were already working with the</p> <p>10 city that applied. I think there was an</p> <p>11 in-house register and an outside register.</p> <p>12 Q. And who do you contend are the two magistrates</p> <p>13 that were bumped over the white candidates?</p> <p>14 A. Lavera McClain and Eunice Knight.</p> <p>15 Q. And your only knowledge of this is just people</p> <p>16 talking?</p> <p>17 A. I did not see anything from Personnel.</p> <p>18 Q. You don't have any really hard facts to</p> <p>19 support this?</p> <p>20 A. I don't have anything from Personnel to show</p> <p>21 you.</p> <p>22 Q. You just have what Wendy told you, and you</p> <p>23 don't even know the other people's names?</p>

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	Page 233		Page 235
1	A. Well, I don't know -- I know that a couple of them were dispatchers, but I don't remember exactly who they were. But I'm sure that Personnel would have that roster.	1	MS. NELSON: -- reading it.
2		2	MR. JAFFREE: Tell her as much as
3		3	you can without reading it, and
4		4	then if you need to refer to
5	Q. You go on to say, "Regardless of their shortcomings, Respondent Gordon refuses to discipline or supervise or allow others to supervise these black magistrates; is that your contention?"	5	your notes, go ahead.
6		6	A. Rickey called me and said that he had a
7		7	process showing where a Michael D. McCord was
8		8	needed to for a warrant or that there was a
9		9	warrant issued, and that they were fixing to
10	A. Yes, it is.	10	go get him. And they noticed that he was
11	Q. Now, how do you contend that she refused to discipline them?	11	employed with the nuclear plant, and they
12		12	started looking at the date of birth. And he
13	A. Well, I know that I've made her known of some of the mistakes, critical errors that they	13	said, this is the not the right Michael
14	had made, and she didn't do anything about them.	14	McCord.
15		15	So he came to the office and tried to talk
16	Q. Is that what you've testified to earlier?	16	to Lavera about it. And my office is not that
17		17	far from the front that you can't hear if
18	MR. JAFFREE: Well, I'm not sure.	18	people raise their voice. And Rickey was
19	Your question was limited	19	trying to talk to Lavera about the situation,
20	earlier.	20	and she told him that she did not have time,
21	A. I don't think you've asked me.	21	that she had other things to do and didn't
22	Q. Well, I asked you about --	22	have time to deal with him.
23	A. You asked me during a specific time.	23	So when he went back to his office, he
	Page 234		Page 236
1	MR. JAFFREE: That's right. You	1	called me and said he needed some help. So I
2	limited to the time, but you	2	looked in the computer, and I saw that,
3	never went back to the question.	3	clearly, she had the warrant issued up under
4	Q. Well, tell me what the critical errors that you contend they made.	4	the wrong Michael McCord. So the judge knew
5		5	about it. I don't know if Rickey went over
6	A. Well, I'll refer to my notes, which you have.	6	there and told her. I -- to my understanding,
7	On March the 17th, 2004, I received a	7	he filed a complaint in writing. I have not
8	phone call from Rickey Stokes, who is the	8	seen that. That's just based on after the
9	bondsman, and advised me of a defendant who we	9	fact that -- of what he told me.
10	had entered under the wrong information.	10	And the judge called me from the courtroom
11	Q. Let me stop you and try to see what you're looking at here.	11	and said that clerical errors will happen and
12		12	not to make a big deal out of it, and that I
13	A. That may be it right there (indicating).	13	needed to delete it before I left work that
14	Q. Do you remember any of this short of reading what you've written down?	14	day and to fix it.
15		15	Q. Delete what?
16	A. This is it right here (indicating).	16	A. To delete the information that was issued up
17	Yeah, I can tell you without looking at	17	under the wrong Michael -- under the wrong
18	it.	18	person and to fix it.
19	MR. JAFFREE: Are you insisting that	19	Q. I mean, was there more than one Michael Moore?
20	she --	20	A. Michael McCord.
21	MS. NELSON: I'm just wondering if	21	Q. Michael McCord?
22	she can remember without --	22	A. Yes, there was.
23	THE WITNESS: Oh, yes.	23	Q. Had both been a defendant in the system?

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<p style="text-align: right;">Page 237</p> <p>1 A. I assume if they were in there. I don't 2 know. One of them could've been a victim. I 3 don't know.</p> <p>4 Q. Same spelling and everything as far as you 5 know?</p> <p>6 A. They had a different middle name, different 7 date of birth. The age difference was quite 8 different.</p> <p>9 Q. And, again, Rickey Stokes, his involvement 10 with this was because he --</p> <p>11 A. The posted bond.</p> <p>12 Q. -- had the bond on one of these Michael 13 McCords?</p> <p>14 A. Yes.</p> <p>15 Q. And you wrote something down that you were 16 reading from that you produced to me. When 17 did you write this down?</p> <p>18 A. I'm sure it was not long after it happened.</p> <p>19 Q. Where did you keep this kind of stuff; did you 20 just --</p> <p>21 A. I had it at home. I wrote it at home.</p> <p>22 Q. I know. But did you keep the -- where, in a 23 book or a drawer or folder or file?</p>	<p style="text-align: right;">Page 239</p> <p>1 decide, but I know she -- there should've been 2 some form of action taken.</p> <p>3 Q. Was Nancy Martin involved in this in any way?</p> <p>4 A. I paged her -- she was not there -- before I 5 did that to let her know since she was my 6 immediate supervisor. And I believe she was 7 in Kai Davis's office at the time. I'm not 8 sure. And she told me that since the judge 9 advised me to do that, that I needed to do it.</p> <p>10 Q. And you say if -- do you know why Rickey 11 Stokes called you?</p> <p>12 A. Because he knew that I was very efficient and 13 I would handle it, because Lavera would not 14 help him. And it needed to be done because if 15 the man arrested, he would've lost his job.</p> <p>16 Q. Did you see him interact with Lavera?</p> <p>17 A. No. I heard them.</p> <p>18 Q. And what did you hear?</p> <p>19 A. I just heard that -- I could tell that they 20 were talking loud enough to where I could hear 21 that they were conversing. And she just -- I 22 know I heard her say, I don't have time for 23 you; I've got other things to do Rickey. And</p>
<p style="text-align: right;">Page 238</p> <p>1 A. I had a folder that I kept some stuff in along 2 with my notices from my termination and that 3 sort of thing.</p> <p>4 Q. And just for the Record, you're referring to 5 your notes and I'm going to mark the Michael 6 McCord notes as Defendants' Exhibit 42. Okay?</p> <p>7 A. Okay. (Defendants' Exhibit 42 was marked for identification.)</p> <p>8 Q. So did you delete it from the system?</p> <p>9 A. Yes, I did. And then there was printout on the HT system that prints out of deleted files, so it should be on there, if they kept it.</p> <p>10 Q. And you contend some action should have been 11 taken against -- is this Lavera?</p> <p>12 A. Yes.</p> <p>13 Q. You contend some action should have been 14 taken?</p> <p>15 A. Yes.</p> <p>16 Q. And what action do you contend should have 17 been taken?</p> <p>18 A. I don't know. I mean, that's not for me to</p>	<p style="text-align: right;">Page 240</p> <p>1 she just walked away.</p> <p>2 Q. Is Rickey in the office a lot --</p> <p>3 A. I don't know.</p> <p>4 Q. -- in the magistrate's office a lot?</p> <p>5 A. He comes in there some.</p> <p>6 Q. Does he --</p> <p>7 A. I mean, I don't know how many times he does 8 with -- I mean, we have bondsmen that come in 9 there a lot, or we did. They would check on 10 cases.</p> <p>11 Q. Did you ever ask --</p> <p>12 MR. JAFFREE: Let me object to the 13 relevance of this line of 14 questions. These designed to 15 explain away the facts that she 16 said.</p> <p>17 MS. NELSON: Just make your 18 objection. I can ask my 19 question.</p> <p>20 MR. JAFFREE: All right.</p> <p>21 Q. Had you ever had a bondsman come to you where 22 you were busy in the middle of something else 23 and you couldn't help them?</p>

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<p style="text-align: right;">Page 241</p> <p>1 A. Not to my knowledge.</p> <p>2 Q. How often would you say Rickey Stokes was in 3 the office -- the magistrate's office?</p> <p>4 A. I don't know, because I don't -- I didn't work 5 the front office every day, so I couldn't tell 6 you.</p> <p>7 Q. Any other errors that you contend that Lavera 8 committed that the judge refused to discipline 9 her on?</p> <p>10 A. There was an incident in January of '05. 11 Well, we got also -- I'll go in order. There 12 was the December of '04 where Lieutenant Cliff 13 Garrett, who was over the jail at the time, 14 issued memo a memo to Captain Givens regarding 15 a juvenile that had been arrested on a alias 16 warrant that the municipal court had issued.</p> <p>17 Q. I'm going to stop you one more and ask, are 18 you looking at some notes you've made?</p> <p>19 A. I'm -- I'm giving the dates, and then I'm -- I 20 haven't looked at it since I got the date and 21 what it was about.</p> <p>22 Q. Okay. Go ahead.</p> <p>23 A. And the judge had -- the memo sent evidently</p>	<p style="text-align: right;">Page 243</p> <p>1 A. What I just stated, that Lavera had issued the 2 warrant, and he was arrested.</p> <p>3 Q. Okay. What was he arrested for?</p> <p>4 A. I guess failure to appear. It was an alias 5 warrant. I'm not sure if it was for -- I 6 think it was for failure to appear. I'm not 7 sure exactly.</p> <p>8 Q. Is your testimony that you felt that action 9 should have been taken against Lavera?</p> <p>10 A. Yes.</p> <p>11 Q. And why is that?</p> <p>12 A. Because she issued a warrant on a juvenile, 13 and it shouldn't have been.</p> <p>14 Q. Anything else?</p> <p>15 A. In January of '05, she issued -- on Emmanuel 16 Hooks. She issued two alias warrants for the 17 same case, and he was arrested on both of 18 them.</p> <p>19 MR. JAFFREE: When you say "she," 20 referring to who.</p> <p>21 THE WITNESS: Emmanuel was arrested 22 on both charges.</p> <p>23 MR. JAFFREE: No. What she are you</p>
<p style="text-align: right;">Page 242</p> <p>1 to the judge because she wrote on there for me 2 to look into it.</p> <p>3 So I looked into it, and I found where 4 Lavera had issued a warrant on a 17-year-old 5 person for failure to appear. And I then told 6 the judge of what happened.</p> <p>7 Q. And what happened?</p> <p>8 A. That she issued the warrant on the juvenile 9 and he was arrested.</p> <p>10 Q. You're not supposed to issue a warrant on a 11 juvenile?</p> <p>12 A. Not for a misdemeanor, not for a Title 13. 13 Now, we do issue for the traffic violations 14 for Title 32, 16 and 17 year olds. But, 15 normally, we do a show-cause hearing before 16 they issue warrants.</p> <p>17 Q. Okay.</p> <p>18 A. But this was an actual -- it was an actual 19 city ordinance violation I believe it was. 20 But that was still a misdemeanor charge.</p> <p>21 Q. Judge asked you to look into it and you did?</p> <p>22 A. Yes. And then I reported back to her.</p> <p>23 Q. What did you report?</p>	<p style="text-align: right;">Page 244</p> <p>1 referring to?</p> <p>2 A. Lavera issues alias warrants -- two alias 3 warrants for the same case at the same time. 4 And, therefore, he was arrested for both 5 charges. And I did a release order for one to 6 release him on one charge, and he posted a 7 bond -- I don't know if he posted the bond or 8 if he was a prisoner -- on the other. But I 9 wrote a note to the judge, advising her of 10 what happened. He could have been a prisoner 11 and -- I'm just not sure. I don't remember.</p> <p>12 Q. There were two charges?</p> <p>13 A. No. There was one -- she issued two alias 14 warrants for the same thing for the same case 15 at the same day, same time, everything. She 16 duplicated the warrant, and he was arrested on 17 both.</p> <p>18 Q. Could the system somehow have duplicated it, 19 duplicated the warrant?</p> <p>20 A. Not without you telling it to.</p> <p>21 Q. And where do you have to -- is this a --</p> <p>22 A. You have to tell it to print.</p> <p>23 Q. Print?</p>

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<p style="text-align: right;">Page 245</p> <p>1 A. Yes.</p> <p>2 Q. She could've hit print twice?</p> <p>3 A. She could have. But you sit there, and when 4 you issue your alias warrants, you've got your 5 warrants in one stack and you've got your 6 paperwork that you just issued them from. And 7 you have to write the alias warrant number and 8 the date on the paperwork. So if you've got 9 one case, you should have one warrant if it's 10 done properly.</p> <p>11 Q. And he proceeded to be arrested --</p> <p>12 A. For one charge.</p> <p>13 Q. -- at least under one of them. And you've made some notes on this; is 14 that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Both on the December 1st, '04 and Emmanuel 17 Hooks you just told me about. (Defendants' Exhibit 43 was marked 18 for identification.)</p> <p>19 Q. I've marked that as Defendants' 43 --</p> <p>20 A. Yes.</p> <p>21 Q. -- that you gave me.</p>	<p style="text-align: right;">Page 247</p> <p>1 talking about?</p> <p>2 A. They had wrong codes key in the computer for 3 the trial type, wrong dates, that sort of 4 thing.</p> <p>5 Q. And these are like keying errors?</p> <p>6 A. Yes.</p> <p>7 Q. Are you aware of others having some keying 8 errors?</p> <p>9 A. I'm sure, but I was just present --</p> <p>10 Q. You were just present at the time?</p> <p>11 A. -- at that time.</p> <p>12 Q. Are you aware of any other magistrates that 13 may have issued two alias warrants for the 14 same case?</p> <p>15 A. I don't know. I just happened to come across 16 that. I don't -- I don't deal -- I don't go 17 around looking to see. I'm not aware of any. 18 There may have been, but I did not aware -- I 19 was not aware.</p> <p>20 Q. Are you aware of any other warrants being 21 issued on a juvenile?</p> <p>22 A. We do have the ones that we issue for issue 23 citations on 16 and 17 year olds, but that's</p>
<p style="text-align: right;">Page 246</p> <p>1 Anything else?</p> <p>2 A. I know that I was in Nancy's office. I'm not 3 sure when it was. I know that Valarie Savage 4 and Michelle Bryan has been complaining about 5 some clerical errors in the computer that they 6 had made, she and Eunice both.</p> <p>7 Q. Wait. Let me make -- Valarie Savage and --</p> <p>8 A. And Michelle Bryan.</p> <p>9 Q. -- were complaining?</p> <p>10 A. Had complained -- made complaints about Laverne 11 and Eunice's clerical errors in the computer. 12 And at first, they were fixing them, but they 13 said, it was just getting to be too many and 14 they should fix them themselves so they 15 can -- they'll know what they're doing, that 16 hopefully they won't repeat themselves.</p> <p>17 Q. Now --</p> <p>18 A. And I was in Nancy's office when they did 19 that.</p> <p>20 Q. You just heard them complaining?</p> <p>21 A. They had cases in their hand that they were 22 giving to Nancy at the time.</p> <p>23 Q. And what kind of clerical errors are you</p>	<p style="text-align: right;">Page 248</p> <p>1 rare. Like I said, we normally have a 2 show-cause hearing first.</p> <p>3 Q. Are you aware of any warrants being issued for 4 something that's not a traffic citation?</p> <p>5 A. Not to my knowledge, not that I've come across 6 or was asked to check into.</p> <p>7 Q. This was just one became aware of?</p> <p>8 A. Through the judge.</p> <p>9 Q. How many cases go through that office in a 10 given year?</p> <p>11 A. Oh, thousands.</p> <p>12 Q. Maybe like 20, over 20,000?</p> <p>13 A. Possible?</p> <p>14 Q. Thirty?</p> <p>15 A. I don't know. I'm not sure of the 16 figures -- any of the figures.</p> <p>17 Now, I was working in the courtroom at one 18 particular time, and there was a mistake on 19 the case that the judge had in front of her. 20 And she asked me, what was wrong with it and 21 who did it. And I told her, it was Eunice. And she said, well, just fix it for me.</p>

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<p>1 So she was aware of -- I don't -- I don't 2 know what that was, but I -- I do remember 3 that.</p> <p>4 Q. Was it a clerical-type mistake?</p> <p>5 A. Yes.</p> <p>6 Q. Any other situations you can think of?</p> <p>7 A. Not right now.</p> <p>8 Q. Any of these other things you've written down 9 didn't have anything to do with mistakes?</p> <p>10 A. No. Oh, wait a minute. Yes, I do. I'm 11 sorry.</p> <p>12 In March of '05, there was a defendant by 13 the name of Crystal Gray.</p> <p>14 MR. JAFFREE: Pause for a second.</p> <p>15 She's looking for a document.</p> <p>16 THE WITNESS: Oh, I'm sorry.</p> <p>17 MS. NELSON: I'm trying to listen.</p> <p>18 Q. Go ahead and tell me about it.</p> <p>19 A. On -- Eunice recalled an alias warrant on 20 March the 5th that she did not insure that the 21 original came back from the jail. And that's 22 one of the things that when you recall a 23 warrant, you make sure that you get that</p>	<p>1 when I wrote it, but it was after the fact.</p> <p>2 Q. You mean, after the lawsuit?</p> <p>3 A. No, not after the lawsuit.</p> <p>4 Q. After your termination?</p> <p>5 A. No. I made notes pretty often whenever 6 something that, you know, that happened like 7 that. And some of them, you know, we remember 8 just by the name. If it's somebody that was 9 arrested wrongly, that's just something that 10 should not happen.</p> <p>11 Q. Anything else? What's on this little sticky</p> <p>12 note you gave me?</p> <p>13 A. That's just where I cited during my personnel 14 ruling -- my Personnel Hearing with the 15 Personnel Board, I had cited Section 3-10 in 16 the City of Dothan Personnel Rules that 17 disciplinary actions were not consistent in 18 our department, based on that being a 19 personnel rule.</p> <p>20 Q. What being a personnel rule?</p> <p>21 A. That discipline should be consistent within a 22 department for everybody. And I was just 23 citing that that did not -- that was not.</p>
<p style="text-align: right;">Page 250</p> <p>1 original warrant back from the jail. 2 And there have been times when we were 3 told, you go over there and you get the 4 original warrant, if you don't get it back. 5 She did not insure that, and that 6 defendant was arrested approximately a month 7 and a month and a half later on that AW.</p> <p>8 Q. Give me that persons' name.</p> <p>9 A. Excuse me?</p> <p>10 Q. Do you remember that person's name?</p> <p>11 A. Crystal Gray. 12 So I allowed her to sign her own bond.</p> <p>13 Q. Crystal Gray?</p> <p>14 A. Uh-huh (positive response) 15 So I let her sign her own bond, and the 16 judge was noticed.</p> <p>17 Q. That was on Defendants' Exhibit Number 20. 18 (Brief recess)</p> <p>19 Q. You were talking about Crystal Gray, and it</p> <p>20 was contained on Defendants' Exhibit 20.</p> <p>21 And when did you make that note? You have 22 it on a sticky note.</p> <p>23 A. Yeah. I don't know. I can't tell you exactly</p>	<p style="text-align: right;">Page 252</p> <p>1 Q. Are you aware of any other employee that had</p> <p>2 committed insubordination?</p> <p>3 A. Insubordination? Not to my -- I mean, you're 4 going to have to give me an example, because 5 insubordination is kind of broad, I think, as 6 far as what that means.</p> <p>7 Q. Are you aware of anyone else who had told an</p> <p>8 individual that he had been falsely arrested</p> <p>9 and to sue the City?</p> <p>10 A. Are you talking about the incident with me? 11 Is that what you're talking about?</p> <p>12 Q. Besides you?</p> <p>13 A. Oh, I don't know. 14 MR. JAFFREE: Excuse my.</p> <p>15 A. I don't know how I would know that. 16 MR. JAFFREE: You're asking her a 17 fact -- her testimony was that 18 she didn't tell him he was 19 falsely arrested and to sue the 20 City. And you asked her, do you 21 know of a situation where 22 somebody else said they were 23 falsely arrested and sue the</p>

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<p style="text-align: right;">Page 253</p> <p>1 City. That was not her 2 testimony.</p> <p>3 Q. Do you know of anyone who --</p> <p>4 A. Not to my knowledge.</p> <p>5 MR. JAFFREE: Wait a minute. She 6 didn't ask the question.</p> <p>7 THE WITNESS: Well, I know what 8 she's talking about. I mean, 9 she's going to ask it again.</p> <p>10 MR. JAFFREE: Well, hopefully, 11 she'll ask it the right way.</p> <p>12 Q. Do you know of anyone who told the defendant 13 they had been falsely arrest and then told 14 theme to file a claim or a suit against the 15 City?</p> <p>16 A. Not to my knowledge.</p> <p>17 Q. Do you know of anyone who has signed a uniform 18 ticket transmittal form swearing that they 19 received all the tickets and then struck a 20 line through and written "void" on a ticket?</p> <p>21 A. I haven't seen that personally, no. 22 (Defendants' Exhibit 44 was marked 23 for identification.)</p>	<p style="text-align: right;">Page 255</p> <p>1 us where our offices were.</p> <p>2 Q. And you say you believe that?</p> <p>3 A. That's what was -- that's how it was put to 4 me. She said --</p> <p>5 Q. By whom?</p> <p>6 A. Lavera.</p> <p>7 Q. Do you know who actually made the decision to 8 assign offices?</p> <p>9 A. No, I do not.</p> <p>10 Q. That's just your perception or your --</p> <p>11 A. Well, if she said, this is where our offices 12 are, then I assume that's where she put it.</p> <p>13 Q. To your knowledge, was Lavera involved with 14 the actual physical move of the offices?</p> <p>15 A. Yes, she was.</p> <p>16 Q. Were you involved in the physical move of the 17 offices in any way?</p> <p>18 A. We all moved. We all helped in moving, but 19 she was the one that was in charge of making 20 sure things were packed up and telling us 21 where our offices were and that sort of thing 22 and making sure that we had people to move us 23 and all that.</p>
<p style="text-align: right;">Page 254</p> <p>1 Q. Just for the Record, I've marked that other 2 sticky note as Defendants' Exhibit 44 --</p> <p>3 A. Okay.</p> <p>4 Q. -- where you cited that --</p> <p>5 A. Yes.</p> <p>6 Q. -- rule to the Personnel Board.</p> <p>7 A. Yes.</p> <p>8 Q. And just following on these notes, I think 9 I've asked you about those.</p> <p>10 I'm back to the EEOC charge. You're 11 talking about the move to the new facilities. 12 I assume you're talking about the new 13 magistrate's office.</p> <p>14 You alleged that "Judge Gordon permitted 15 black magistrates to assign themselves premium 16 offices, notwithstanding that other white 17 magistrates had more seniority."</p> <p>18 Is that your contention?</p> <p>19 A. Yes.</p> <p>20 Q. And who do you contend was allowed to assign 21 themselves the premium offices?</p> <p>22 A. I believe Lavera McClain was the one that was 23 going around and assigning offices and telling</p>	<p style="text-align: right;">Page 256</p> <p>1 Q. Do you feel like this was an inappropriate 2 assignment to give that assignment to Lavera?</p> <p>3 A. I feel like that the offices should have been 4 assigned maybe in a seniority basis instead of 5 what she wanted people to have.</p> <p>6 Q. "She" being who?</p> <p>7 A. Lavera.</p> <p>8 Q. But you don't know for sure -- you don't know 9 that Lavera made the decision as to whose 10 office would be where, do you?</p> <p>11 A. Shy didn't say that somebody else did.</p> <p>12 Q. You just testified, you don't know who made 13 the decision.</p> <p>14 A. No. She -- I said that based on what she told 15 and showed us, it was coming from her.</p> <p>16 Q. She was the messenger?</p> <p>17 A. She -- well, that's not -- that's not what she 18 said she was. She did not say, I'm coming to 19 you as a messenger and somebody said this is 20 your office. She was stating to us that this 21 is where your office is. She didn't say she 22 was the messenger.</p> <p>23 Q. I'm just saying, you're just assuming that she</p>

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<p>1 made the decision; you don't have any facts --</p> <p>2 A. My testimony.</p> <p>3 Q. -- to support that, other than your perception</p> <p>4 because she told you where the offices were</p> <p>5 going to be?</p> <p>6 A. Well, it didn't come from Judge Gordon, and it</p> <p>7 didn't come from our court administrator.</p> <p>8 Q. And how do you know that? Did it come from</p> <p>9 their mouths?</p> <p>10 A. That's right.</p> <p>11 Q. Okay. Thank you.</p> <p>12 And, again, you said, "This not-too-subtle</p> <p>13 preference toward black magistrates would be</p> <p>14 tolerable but for the rigid discipline imposed</p> <p>15 by Judge Gordon against the white</p> <p>16 magistrates."</p> <p>17 What rigid discipline are you talking</p> <p>18 about?</p> <p>19 A. Well, I think over the time that I was there,</p> <p>20 that her discipline that she -- the things</p> <p>21 that have happened to me and some mistakes</p> <p>22 were made by other blacks. And they did not</p> <p>23 get -- they did not get disciplined at all.</p>	<p>1 disciplined?</p> <p>2 A. Sure.</p> <p>3 Q. Now, you mentioned Lavera and Eunice. Were</p> <p>4 there any other black magistrates at the time?</p> <p>5 A. Tonya Minifield had been hired.</p> <p>6 Q. Do you content that Tonya --</p> <p>7 A. I do not --</p> <p>8 Q. -- should have been disciplined?</p> <p>9 A. I did not come across anything that she had --</p> <p>10 that she had made mistakes on. I did not have</p> <p>11 any incidents where she had had any mistakes.</p> <p>12 I'm not saying she didn't, but I did not come</p> <p>13 in contact with them.</p> <p>14 Q. You go on to say that "Judge Gordon terminated</p> <p>15 or caused the resignation of no less of eight</p> <p>16 white magistrates since her term of</p> <p>17 employment."</p> <p>18 What eight people are you talking about?</p> <p>19 A. I know that Donna Nicholson was fired. Debbie</p> <p>20 Irby quit because she was fixing to be fired.</p> <p>21 Cheryl Maray quit. Kim Phillips quit. Kevin</p> <p>22 Sorrells was fired. Mary Turner and myself</p> <p>23 and Nancy. I don't know how many that is.</p>
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<p>1 Q. And you equate their mistakes to the mistakes</p> <p>2 that you have made?</p> <p>3 MR. JAFFREE: Define "equate,"</p> <p>4 because if you're saying, the</p> <p>5 mistakes were more serious, then</p> <p>6 I think she can acknowledge</p> <p>7 that.</p> <p>8 MS. NELSON: No. She understands my</p> <p>9 question. You can object to my</p> <p>10 form.</p> <p>11 A. Reask the question.</p> <p>12 Q. I said, do you equate the conduct that you</p> <p>13 claim the blacks were engaged in, do you</p> <p>14 equate that to the offenses that you were</p> <p>15 charged with and disciplined for?</p> <p>16 A. That I was allegedly charged with, that I was</p> <p>17 charged with. Yes. Having somebody falsely</p> <p>18 arrested, making the errors that were made, I</p> <p>19 sure do. That was negligence.</p> <p>20 Q. And you said white employees made errors and</p> <p>21 mistakes?</p> <p>22 A. Yes.</p> <p>23 Q. Do you contend they should have been likewise</p>	<p>1 Fran Bailey quit.</p> <p>2 Q. Do you know why each of the individuals -- I</p> <p>3 mean, I know you know your own situation. Do</p> <p>4 you know why -- I've asked you this before --</p> <p>5 why Donna Nicholson was terminated?</p> <p>6 I've asked you that, haven't I?</p> <p>7 A. Yes. And Donna told me --</p> <p>8 Q. Only what Donna told you?</p> <p>9 A. Right.</p> <p>10 Q. You don't really know the circumstances of</p> <p>11 all --</p> <p>12 A. I did not see her paperwork. No. But based</p> <p>13 on what she told me.</p> <p>14 Q. Or why Kevin Sorrells was terminated?</p> <p>15 A. No.</p> <p>16 Q. Do you know why Nancy Martin was terminated?</p> <p>17 A. I believe for not having proper supervision.</p> <p>18 I'm not sure.</p> <p>19 Q. You don't really know, do you?</p> <p>20 A. I have seen it, but I don't recall what it</p> <p>21 said.</p> <p>22 Q. Seen what?</p> <p>23 A. Her termination paperwork.</p>

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<p style="text-align: right;">Page 261</p> <p>1 Q. Besides the paperwork, I'm talking about all 2 the facts and circumstances for which she was 3 terminated?</p> <p>4 A. No.</p> <p>5 Q. Debbie Irby, you know said, she was about to 6 be terminated. Do you know why she was 7 terminated?</p> <p>8 A. It was involving the incident with Donna 9 Nicholson.</p> <p>10 Q. But you don't really know the facts and 11 circumstances regarding all that, do you?</p> <p>12 A. Well, she told me that she was going to quit 13 because she knew she was going to be fired 14 anyway. I mean, I --</p> <p>15 Q. Other than what she told you.</p> <p>16 A. I'm trying to answering what you're asking me, 17 so I don't -- seeing any paperwork, no. Just 18 based on her telling me what happened.</p> <p>19 Q. Well, I'm talking about your own personal 20 knowledge of the facts and the circumstances, 21 not what -- not hearsay, not what she told 22 you.</p> <p>23 A. Well, if she told me, that's -- I mean, that</p>	<p style="text-align: right;">Page 263</p> <p>1 MS. NELSON: I do not mean to be 2 arguing with the witness. I'm 3 trying to just understand what 4 factual basis she has, aside 5 from what a person told her 6 happened.</p> <p>7 Q. Fran Bailey, do you know the circumstances of 8 her leaving?</p> <p>9 A. I know that she was going to school, but I 10 knew -- do know that she filed a memo with the 11 judge and with the personnel department before 12 she left about things that she observed and 13 how she felt things were in that office. And 14 I do know that she was summoned over to the 15 judge's office as a result of that memo 16 because she told me.</p> <p>17 Q. But other than what she told you, you don't 18 have any independent knowledge of such memo 19 or --</p> <p>20 A. I did not see the memo, but I do know that 21 it's in her file. It should be. And she also 22 has a copy.</p> <p>23 Q. Have you seen that memo?</p>
<p style="text-align: right;">Page 262</p> <p>1 was --</p> <p>2 Q. That's the gospel, isn't it?</p> <p>3 A. No. I'm just saying --</p> <p>4 MR. JAFFREE: I'm going to object. 5 Argumentative. And a charge of 6 discrimination with the EEOC, it 7 put down, prior to discovery, 8 what they believe to be the 9 facts. And as soon as they can 10 rely on a principal to tell 11 those facts and state those 12 facts. They're not the 13 employer. They don't have 14 access to all the information 15 prior to discovery and even 16 after discovery. Well, you're 17 asking her --</p> <p>18 MS. NELSON:</p> <p>19 Q. You're just going by what Debbie Irby told 20 you?</p> <p>21 MR. JAFFREE: You're arguing with 22 this witness about what she 23 knows.</p>	<p style="text-align: right;">Page 264</p> <p>1 A. I probably did, but I don't recall. I 2 don't -- I don't remember if she ever showed 3 it to me or not. She just was telling me.</p> <p>4 Q. And what did it allegedly say?</p> <p>5 A. Just about how she could tell people were 6 getting treated differently in the office and 7 that mistakes that were being made, and that 8 sort of thing, from being a clerk.</p> <p>9 Q. I wrote Donna, Kevin, Debbie, Mary Turn, 10 we've talked about. Nancy, Fran. Anybody 11 else? Yourself.</p> <p>12 A. Kim Phillips and Cheryl Maray.</p> <p>13 Q. Do you know the circumstances of Kim Phillips 14 leaving?</p> <p>15 A. Just tired of the mess going on, just certain 16 people not being accountable for their 17 mistakes.</p> <p>18 Q. Certain people, would that include Ann Baxter 19 or --</p> <p>20 A. I don't know.</p> <p>21 Q. -- white individuals?</p> <p>22 A. I don't know.</p> <p>23 Q. Could?</p>

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<p style="text-align: right;">Page 265</p> <p>1 A. It could be. Yes. I don't know.</p> <p>2 Q. And Cheryl Maray, do you know the circumstances of her leaving?</p> <p>3 A. The same. Well, I know that -- I think that she went to another job, but it was -- she just couldn't do it anymore. She said she couldn't --</p> <p>4 Q. And it's based on what she told you?</p> <p>5 A. Yes.</p> <p>6 Q. Besides yourself, do you know any other whites who have been disciplined?</p> <p>7 A. After -- since this has happened, I do believe I've come to hear that Ann Baxter was disciplined, I believe, for some money situation with her moneys.</p> <p>8 Q. And how did you learn that?</p> <p>9 A. I think Nancy and I had talked about that after the fact. I'm not sure if she was or not.</p> <p>10 Q. Anyone else?</p> <p>11 A. Well, other than Mary?</p> <p>12 Q. Well, Mary --</p> <p>13 A. Yeah. Well, you're asking any other white.</p>	<p style="text-align: right;">Page 267</p> <p>1 and individuals in the community and all the people in the department?</p> <p>2 A. She didn't have court on Fridays, and she didn't have court the last week of every month. So I would think that she would have time. Yes. She had an assistant.</p> <p>3 Q. What about the -- other than that first incident, you think she should have investigated all that?</p> <p>4 A. I think that she should have let me know what was going on prior to it just being thrown at me. I think that I would've at least -- I deserved that much, that she should've let me know what was going on.</p> <p>5 And I think by her telling me when I made her aware of mistakes that were happening with Lavera and Eunice, just brushing it off like they were -- everybody makes mistakes, and to just fix it, and not make a big deal out of it.</p> <p>6 Q. You said she "instructed Nancy Martin to keep a close eye on" you?</p> <p>7 A. Yes.</p>
<p style="text-align: right;">Page 266</p> <p>1 That's what I'm saying. I don't know. Not to my knowledge, I don't know. And myself.</p> <p>2 Q. You also contend that Judge Gordon "manufactured reasons to terminate" you. Is that your contention?</p> <p>3 A. I believe that, like I testified earlier, there were some things that she could have handled internally instead of having the internal investigations. And, you know, I --</p> <p>4 Q. Like what?</p> <p>5 A. I think so.</p> <p>6 Well, the first internal investigation. I testified earlier, she should have handled that internally.</p> <p>7 Q. With Ralpeje?</p> <p>8 A. Yes.</p> <p>9 Q. Now, Judge Gordon is on the bench a good bit of the time, isn't she?</p> <p>10 A. I assume. I know that they have court certain times of the day.</p> <p>11 Q. So your contention that Judge Gordon would have the time to go out and conduct investigations with bondsmen and defendants</p>	<p style="text-align: right;">Page 268</p> <p>1 Q. "And two other white magistrate."</p> <p>2 A. Yes.</p> <p>3 Q. Is that your testimony?</p> <p>4 A. Yes.</p> <p>5 Q. And what do you base that on?</p> <p>6 A. Nancy.</p> <p>7 Q. Nancy told you that?</p> <p>8 A. Yes.</p> <p>9 Q. "And at the same time, implying that she should take a blind eye on what black magistrates were doing."</p> <p>10 What do you have to base that on?</p> <p>11 A. Nancy.</p> <p>12 Q. Nancy. That was Nancy's comment?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And then you state, "The black magistrates have not been subject to discipline, yet at least two have committed offenses which would warrant discipline."</p> <p>15 Is that the same thing that you were talking about?</p> <p>16 A. Yes. Yes.</p> <p>17 Q. Then you went on to say, despite "the</p>

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<p style="text-align: right;">Page 269</p> <p>1 directive from Judge Gordon not to speak to a 2 white employee," which is Mary Turner? 3 A. Yes. 4 Q. That you said, "Judge Gordon was unpersuaded 5 that there was an employment imperative that 6 required contact with this person." 7 But you never really talked to Judge 8 Gordon about your alleged need to talk to Mary 9 Turner, did you? 10 A. No. But I felt like, you know, why -- why did 11 she give me Mary Turner's job duties? Why 12 would she even do that? Why wouldn't she give 13 them to somebody else? 14 Q. And because she gave you the job duties and 15 had specifically told you not to contact her, 16 you felt like it was okay to contact her? 17 A. I assumed she meant about the investigation 18 because if I go to church with somebody or I'm 19 walking down the street and see her, I have 20 First Amendment rights to speak to someone and 21 not have to be told, no, you can't speak to 22 that person. 23 Q. Even when that person has been charged with a</p>	<p style="text-align: right;">Page 271</p> <p>1 Q. I'm showing you Defendants' Exhibit 41. It's 2 a letter to your lawyer. I was just going to 3 ask if you ever saw that? 4 A. He probably sent me a copy of that. 5 MR. JAFFREE: And I may not have. I 6 don't know. 7 A. Yeah. I'm not sure. 8 Q. Are you aware that your lawyer requested 9 what's called a Right to Sue move forward 10 without a decision being reached at the EEOC 11 level? 12 A. I'm -- 13 Q. You don't know? 14 A. I'm not sure. He could have. 15 Q. Now, you and Ms. Martin have filed this 16 lawsuit together; is that correct? 17 A. That's correct. 18 Q. Was she terminated before you were? 19 A. Yes. 20 Q. So she was not involved in your termination in 21 any way? 22 A. She -- she was told to -- on my evaluation 23 that she did, she had to discipline me, but.</p>
<p style="text-align: right;">Page 270</p> <p>1 criminal offense, is under criminal 2 investigation? 3 A. Yes. 4 Q. But you didn't contact her just to speak to 5 her or going to church or down the street; you 6 picked up the phone and called her -- 7 A. I did because I did not get any cooperation 8 out of Michelle Sellers. 9 Q. Now, to your knowledge, did the submit any 10 information to the EEOC to support your 11 claims? 12 A. I'm not sure. 13 Q. Your lawyer -- I'm not going to ask you what 14 you and your has lawyer talked about or did. 15 You don't know that you did anything? 16 A. Not to my knowledge. 17 Q. To your knowledge, did the EEOC ever rule one 18 way or the other against you or you or -- 19 A. I'm not sure if they sent -- they could have. 20 I don't remember if I -- I haven't looked at 21 that. 22 (Defendants' Exhibit 41 was marked 23 for identification.)</p>	<p style="text-align: right;">Page 272</p> <p>1 she wasn't here when the incident happened. 2 She didn't want to, but she was directed to do 3 that. 4 Q. And she's told you this? 5 A. Yes. She didn't feel like that she since she 6 was not here for the incident, that it -- she 7 shouldn't handle it. 8 Q. And we're talking now about the -- 9 A. The 2004. 10 Q. The Fondren -- 11 A. Yes. 12 Q. -- issue? 13 A. Yes. 14 Q. And you're saying she had to fill out your 15 evaluation alluding to that? 16 A. She did my -- yes. She showed me that 17 earlier. 18 Q. And she just felt like she wasn't here -- 19 A. I think she notated on the evaluation that she 20 put she was not here during the incident. 21 So -- 22 Q. You're saying it probably took her -- she 23 probably did get here until, I think you said,</p>

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<p style="text-align: right;">Page 273</p> <p>1 the first quarter of 2004?</p> <p>2 A. I'm not sure when she started. I believe 3 that -- I know that she was there whenever I 4 came back from my suspension because she and I 5 both were summoned to the judge's office.</p> <p>6 Q. And you're referring to another note --</p> <p>7 A. Yes.</p> <p>8 Q. -- you have here?</p> <p>9 A. Yes.</p> <p>10 Q. And I'm going mark this as Defendants' Exhibit 11 45.</p> <p>12 (Defendants' Exhibit 45 was marked 13 for identification.)</p> <p>14 Q. And, so, your notes -- you were pointing to 15 your notes, and y'all were summoned to the 16 judge's office for what?</p> <p>17 A. The judge just -- the judge needed to speak to 18 me and was pretty much asking me if -- if I 19 wanted my job, if I wanted to work there, and 20 that, you know, if I didn't want to be there, 21 to let her know, and that I needed to take 22 responsibility for that incident. And I was 23 very uneasy about that situation. I almost</p>	<p style="text-align: right;">Page 275</p> <p>1 been.</p> <p>2 Q. You said you could've been?</p> <p>3 A. I could've been, but I don't recall.</p> <p>4 Q. Well, why do you think you could have been?</p> <p>5 A. I don't -- I don't know. I could've been 6 short with her, but I don't know if I was or 7 not. I mean, I don't -- I can't answer that 8 if I don't recall if I did.</p> <p>9 Q. If you don't remember but said, you could 10 have, you yourself could've been displaying 11 some uneasiness or ill-will toward others in 12 the office, resentment, so to speak, about 13 your suspension?</p> <p>14 A. I was probably silent. I probably was not 15 real sociable.</p> <p>16 Q. And maybe not helpful to others in the office?</p> <p>17 A. I don't know about that.</p> <p>18 Q. Could that have been the reason perhaps Judge 19 wanted to talk to you?</p> <p>20 A. That was not -- that was not talked about in 21 this meeting. That's not what she stressed to 22 me.</p> <p>23 Q. But you told her you wanted your job?</p>
<p style="text-align: right;">Page 274</p> <p>1 felt like she wanted me to quit.</p> <p>2 Q. When you came back from your suspension, were 3 you threatening or uneasy to other people 4 there?</p> <p>5 A. No. It was the day I came back.</p> <p>6 Q. Were you resentful toward the judge for 7 suspending you?</p> <p>8 A. No. I didn't have any contact with the judge 9 when I got back until we had this meeting.</p> <p>10 Q. What about with Michelle Sellers; were you 11 resentful to her in any way?</p> <p>12 A. I don't know. I don't recall if I was.</p> <p>13 Q. Could have been?</p> <p>14 A. I could have been.</p> <p>15 Q. And Michelle Sellers is sitting in here.</p> <p>16 A. Uh-huh (positive response).</p> <p>17 Q. She's the court administrator now. She's 18 white; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. And why were you resentful to Ms. Sellers?</p> <p>21 A. I didn't say I was.</p> <p>22 MR. JAFFREE: She didn't say she 23 was. She said she could've</p>	<p style="text-align: right;">Page 276</p> <p>1 A. Sure. I was very good at my job, very 2 efficient.</p> <p>3 Q. Did you ever complain to anybody about -- did 4 you ever come -- you said you never talked to 5 Kai Davis?</p> <p>6 A. I couldn't go to her. If I went to her, I 7 would be going over -- stepping over 8 supervisors, and you can't -- from what I 9 understand, you can't do that.</p> <p>10 Q. It's your understanding, you can't go to 11 Personnel?</p> <p>12 A. Without going through your proper channels 13 first. You have to advise your supervisors of 14 what you're doing.</p> <p>15 Q. And where did you get that from?</p> <p>16 A. I -- it's just what -- I don't know. I guess 17 that's just the way it was -- I've always 18 perceived it to be.</p> <p>19 Q. So you've never reported to anyone that you 20 felt that the judge was treating your 21 differently because of your race?</p> <p>22 A. Nancy knew about it. And she also can see by 23 the treatment that was being -- how it was.</p>

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1	treated in the office, and she said, she went	1	your board decision?
2	to Kai Davis. As a supervisor, she could see	2	(Brief pause)
3	what was going on, so she advised Kai Davis of	3	MR. JAFFREE: In the interest of
4	what was going on.	4	time, we'll stipulate that's
5	Q. But you weren't present?	5	Judge White's decision.
6	A. No.	6	Q. Okay. I'm not going to ask you about it.
7	Q. And you don't know what conversation went on	7	Thank you.
8	between she and Kai Davis?	8	Just on more question, and then we'll take
9	A. Not a -- not.	9	a break. And maybe I can -- I'm going to ask
10	Q. And if Kai David said differently, would	10	her about the complaint which is probably most
11	you --	11	of the stuff we've got --
12	A. That would be her testimony.	12	MR. JAFFREE: That can take forever.
13	Q. -- believe -- you just don't know what went on	13	MS. NELSON: Well, you're the one
14	with Kai Davis?	14	that drafted a 39-page
15	A. Well, she's representing the City. So I would	15	complaint.
16	I think that, you know, she would -- she would	16	MR. JAFFREE: I thought we were
17	be on the City's side.	17	going to go through the
18	Q. Well, you're just assuming that?	18	complaint earlier.
19	A. Right. Right. Because you asked me.	19	MS. NELSON: I'm going to be done in
20	Q. Did you ever go to the EEO officer?	20	the time I told you. I told you
21	A. No. I don't even know if we had one at the	21	it would take about six hours.
22	time. I don't know if we did.	22	(Off-the-Record discussion)
23	Q. Just sort of as a cleanup thing, on this same	23	Q. Just one other quick question. You know,
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1	Defendants' Exhibit 45 that you had written	1	you've testified before the board hearing,
2	that note about --	2	and, you know, you said you had to answer some
3	A. Yes.	3	questions with the internal investigation.
4	Q. -- seeing the judge?	4	Is it your testimony that you gave
5	A. Uh-huh (positive response.)	5	truthful responses to the questions asked of
6	Q. You had copied --	6	you in the Personnel Board Hearing and any
7	A. Yeah. I was just saving paper.	7	questions asked of you during the Internal
8	Q. -- another note about January 2004. "A	8	Affairs investigation?
9	gentleman came and asked to speak to Mary Beth	9	A. Yes.
10	Brackin. Was this --	10	MS. NELSON: Why don't we take about
11	A. Yes. That was the --	11	a 15-minute break?
12	Q. That's the Fondren matter?	12	(Brief recess)
13	A. Fondren, yes.	13	Q. Ms. Brackin, your lawyer, on your behalf, I
14	Q. I was just trying to clarify that was.	14	assumed he prepared a complaint that was filed
15	A. Yes.	15	in federal court. Have you seen that?
16	Q. But I think I've asked you about that.	16	A. The second amended complaint.
17	A. Yes, you did.	17	Q. Seconded amended complaint?
18	(Defendants' Exhibit 46 was marked	18	A. Yes.
19	for identification.)	19	Q. I understand that's what's in effect at this
20	Q. And just for the Record, since I've introduced	20	time.
21	everything else under the sun, to your	21	I'm looking at Number 16 -- you may have
22	knowledge, is this Number 46 a copy of Judge	22	covered this -- on page five. You claim you
23	White's order on appeal where you appealed	23	received exemplary -- excuse me --

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<p>1 satisfactory to exemplary annual evaluations. 2 We reviewed most of those. There were, even 3 through Donna Nicholson's evaluations of you, 4 some issues regarding your attitude that we've 5 discussed; isn't that true?</p> <p>6 A. This is -- I think 16 relates to my first 7 tenure with the magistrate's office.</p> <p>8 Q. Your first tenure; is that right?</p> <p>9 THE WITNESS: Is that right?</p> <p>10 A. This is not --</p> <p>11 Q. Excuse me. I'm sorry.</p> <p>12 A. Yeah.</p> <p>13 Q. Even your first tenure, Gayle Schwarz even 14 noted some issues of attitude and treatment 15 toward the public that we've covered?</p> <p>16 A. Yes.</p> <p>17 Q. And it's your testimony, you're not aware of 18 any discipline that you received in the police 19 department --</p> <p>20 A. No.</p> <p>21 Q. -- when you were there? 22 Again, we could be here all night.</p> <p>23 A. Yes.</p>	<p>1 Q. You don't really know how they conduct 2 investigations?</p> <p>3 A. No.</p> <p>4 Q. And, again, by number 22, I think you 5 testified, you really don't know how Internal 6 Affairs operates or when they're used or for 7 all the things they're utilized for?</p> <p>8 A. No, I do not.</p> <p>9 Q. Number 24, 25 deals with the Fondren issue 10 which I think we've discussed in length.</p> <p>11 A. Yes.</p> <p>12 Q. So I don't need to revisit that. 13 You even cite the judge's memo that I 14 think I asked you about. 15 Paragraph 28, we're still talking about 16 the Fondren matter through here. That 28, 29, 17 30, that deals with the matter we've looked 18 into about the claim that you had told a 19 defendant that he was wrong to be arrested.</p> <p>20 A. Yes.</p> <p>21 Q. And that was investigated.</p> <p>22 A. Yes.</p> <p>23 Q. You're stating that Judge Gordon asked you to</p>
<p>Page 282</p> <p>1 Q. I think you've talked, Number 19, about the 2 issue with Shaun, the public defender; that's 3 Shaun McGhee --</p> <p>4 A. Yes.</p> <p>5 Q. -- we talked about. 6 What information do you have that -- do 7 you know for a fact that it was Judge Gordon 8 that instructed the police department to 9 conduct a closed-door, rigorous investigation?</p> <p>10 A. Well, she was the one that drew up the letter 11 that I was to report to them.</p> <p>12 Q. But all you know is what the letter stated --</p> <p>13 A. Yes.</p> <p>14 Q. -- asking you to --</p> <p>15 A. Yes.</p> <p>16 Q. -- cooperate with them? 17 Are you aware that Internal Affairs gives 18 something when they looked into something 19 called a Guaranty Instruction; does that mean 20 anything to you?</p> <p>21 A. No.</p> <p>22 Q. You never worked with Internal Affairs?</p> <p>23 A. No.</p>	<p>Page 284</p> <p>1 sign the form to consent to interrogation?</p> <p>2 A. Yes.</p> <p>3 Q. Or was that Internal Affairs?</p> <p>4 A. Judge Gordon submitted the letter to me.</p> <p>5 Q. Asking you to report?</p> <p>6 A. Yes.</p> <p>7 Q. To report to them?</p> <p>8 A. Yes.</p> <p>9 Q. Now, when you say, you reported to an 10 interrogation room, where did you actually 11 report?</p> <p>12 A. Well, it was the chief's conference room, but 13 they used that for multiple --</p> <p>14 MR. JAFFREE: What -- nothing.</p> <p>15 Q. You said you got the results four and a half 16 months later; is that your testimony?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know, during this time, was Internal 19 Affairs investigating this?</p> <p>20 A. I don't know.</p> <p>21 Q. Just know it took some time?</p> <p>22 A. Yes.</p> <p>23 Q. And you don't know the reason for the delay?</p>

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1 A. No.		1 talking about the directive, the meeting with	
2 Q. And Number 32, that deals with the testimony		2 Judge Gordon, not to have any contact with	
3 you've given, that, basically, Ms. Martin had		3 Mary Turner.	
4 just come board, but she was still involved in		4 A. Yes.	
5 the administration of the discipline?		5 Q. And you testified about doing her job duties	
6 A. Yes.		6 and the Rickey Stokes store and the	
7 Q. And I think I've talked to you about that.		7 investigation after that. You just told the	
8 I'm not trying -- I'm trying to move along and		8 investigator that you had talked to her.	
9 not repeat everything we've gone over.		9 Talked about Eric -- 52, 53, Corporal	
10 And it's your testimony under 35 that you		10 Duhaime's involvement as you stated. I think	
11 could not appeal that suspension or seek due		11 we've talked about that.	
12 course of that suspension?		12 Your appeal.	
13 A. Yes.		13 And then I wanted to ask you	
14 Q. And Number 37, talking about Rickey Stokes --		14 about -- well, 65, you talk about testimony I	
15 A. Yes.		15 believe we've covered as far as Lavera McClain	
16 Q. -- lodging the complaint against Lavera.		16 and Eunice Knight being negligent, carrying	
17 A. Yes.		17 out their assignments but not disciplined.	
18 Q. Is this what you testified to earlier --		18 You've given me those instances that you've	
19 A. Yes.		19 claimed.	
20 Q. -- about Mr. McCord?		20 A. That's just -- yes, that's -- that's the ones	
21 A. Yes.		21 that I have personnel knowledge of that I can	
22 (Brief pause)		22 remember.	
23 Q. Now, in Number 43, you make allegations		23 Q. Okay. And then the rest goes on to -- just	
	Page 286		Page 288
1 regarding a defendant appearing on a speeding		1 claims by Ms. Martin.	
2 ticket, and that it was his opinion that it		2 Do you have any -- strike that.	
3 was resolved by the intervention of Mary		3 One of Ms. Martin's claims is that she	
4 Turner. And you went on to state certain		4 claimed that Get Out Bonding got preferential	
5 things, that the Ticket -- basically, that she		5 treatment by Judge Gordon. Do you have any --	
6 put the ticket back on the trial docket		6 A. What number are you on?	
7 because he had failed to complete the repair		7 Q. I'm on number 92, something that's not	
8 work on her roof at home.		8 involved in yours?	
9 Do you have personal knowledge of that?		9 A. Oh.	
10 A. I don't recall.		10 Q. But do you have any facts that would support	
11 Q. You go on to say in 44, you really weren't		11 an allegation that Get Out Bonding got	
12 involved in that but --		12 preferential treatment?	
13 A. Right. I don't --		13 A. I don't have any facts personally.	
14 Q. You weren't accused of having involvement in		14 Q. Your contention is that you have been	
15 that.		15 disciplined and terminated because of your	
16 A. Right. I don't -- I don't know.		16 race; is that correct?	
17 Q. Do you have knowledge that because of the		17 A. That's correct.	
18 seriousness of all of that allegation against		18 Q. And are you making any other? And that -- I	
19 Ms. Turner by this Defendant Phelps, that the		19 take it, you're claiming that -- are you	
20 matter was turned over to the police		20 claiming that were retaliated against?	
21 department?		21 A. Well, I was -- I was singled out I believe.	
22 A. After the fact. Yes.		22 Q. Because of your race?	
23 Q. And we've talked -- go on to Number 46,		23 A. Yes.	

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1 Q. You never complained about race discrimination	1 she has. And I'm going to
2 to anyone, did you?	2 object to the question on the
3 A. I complained to Judge Gordon about the	3 basis that it covers a province
4 mistakes about, but I did not complain to her	4 that she's not capable of
5 about her discriminating against me.	5 dealing with.
6 Q. And you didn't go to Personnel or the EEO	6 MS. NELSON: So noted. But I can,
7 officer?	7 at least, try to ask her facts
8 A. No. I don't -- I -- I don't even know if we	8 that would support what appear
9 had one at the time. I know we did, but I	9 to be her claims.
10 don't know if we did at that time.	10 MR. JAFFREE: Well, I think you've
11 Q. And you didn't complain about retaliation in	11 already asked facts that tend to
12 your EEOC charge, did you?	12 support her claims or not,
13 A. I don't remember. We'd have to look at that	13 depending on your perspective.
14 again.	
15 Q. I'll show you Defendants' Exhibit 40. You	14 Q. Do you now contend that -- one of your claims
16 checked race discrimination.	15 appears to be false imprisonment. Are you
17 A. Right.	16 aware that you're making a claim of false
18 Q. In the body of your complaint, you don't	17 imprisonment?
19 complain about retaliation?	18 A. Where are you at so I can --
20 A. No.	19 Q. I'm on page 29.
21 MR. JAFFREE: I'm not sure there's	20 MS. NELSON: Look at this. Maybe
22 an EEOC -- let me see. I'm not	21 you and can clarify this. She's
23 sure there's an EEOC retaliation	22 making a retaliation claim for
	23 exercising in her free speech
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1 filed in the complaint.	1 and association rights. That's
2 (Off-the-Record discussion)	2 your retaliation.
3 MS. NELSON: I'm not sure that a	3 MR. JAFFREE: I think so, yeah, not
4 section 1981, 1983 claim exists	4 based on Title VII.
5 by law, but that's between you	5 MS. NELSON: I understand. Okay.
6 and me to hash out.	6 I'm with you.
7 Q. And you further contend that your	7 Q. Are you making a -- on page 29, your attorney,
8 constitutional rights were violated; is that	8 on your behalf, makes a claim of false
9 one of your contentions?	9 imprisonment?
10 A. I believe so. I was told not to speak with	10 A. Yes.
11 someone, and I feel like that was a violation	11 Q. And, again, while you may not understand all
12 of Freedom of Speech.	12 the elements of false imprisonment, you
13 MR. JAFFREE: Let me -- and I should	13 basically stated that this is -- you
14 have done this earlier, but it's	14 were -- this was based on the fact that you
15 better late than never.	15 were questioned by the police in these
16 You're asking her to claim	16 Internal Affairs investigations; is that
17 her relief. All of this is	17 correct?
18 legal stuff. You're asking her	18 A. Yes.
19 to comment on the law, and she's	19 MR. JAFFREE: Paragraph 152 comes
20 not competent to do that. She	20 from the case, so that's what
21 doesn't even know all the legal	21 she's basing it on.
22 claims she has. I probably	22 (Brief pause)
23 don't know all the legal claims	23 Q. I'm on like paragraph 158. I think you're

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1 stating multiple actions based on conduct		1 A. Yes.	
2 that --		2 Q. And now you're under his family coverage?	
3 MR. JAFFREE: Which paragraph are		3 A. Correct.	
4 you on?		4 Q. And you know what -- you have your wages when	
5 MS. NELSON: I'm just reading		5 you worked for Headland and Newton?	
6 through here.		6 A. Yes.	
7 MR. JAFFREE: Which paragraph are		7 Q. Did you have any benefits there?	
8 you on?		8 A. No.	
9 (Off-the-Record discussion)		9 Q. And you said you didn't had not been under a	
10 Q. I think we've basically covered most of the		10 doctor's care, other than your regular OB/GYN?	
11 factual issues.		11 A. That's correct.	
12 Tell me, how do you contend that you have		12 Q. And you're on one medication?	
13 been damaged as a result of your termination?		13 A. Yes.	
14 A. Well, I've been damaged financially.		14 Q. And what is that?	
15 Q. You were earning -- approximately, what were		15 A. Effexor.	
16 your wages?		16 Q. And what is that?	
17 A. When I left the City? I believe it was -- and		17 A. It's a type of anxiety drug.	
18 I'm not sure on this. It might have been		18 Q. And how long have you been on that?	
19 right at \$16 an hour. I'm not sure if that's		19 A. I'm not sure. I know it was during my time	
20 right or not. I believe so.		20 that I went back to the magistrate's office, I	
21 Q. Did you have benefits?		21 believe.	
22 A. Yes. I have not touched my RSA retirement.		22 Q. What's your doctor's name, the one that	
23 It's still there. I was vested with the City,		23 prescribed that?	
	Page 294		Page 296
1 been employed for 13 years.		1 A. The one that prescribed that?	
2 Q. Did you have health insurance?		2 Q. Yes.	
3 A. I have it with my husband.		3 A. Robert Cleveland.	
4 Q. Your husband? You still have that through		4 Q. Is he your OB/GYN?	
5 your husband?		5 A. He is.	
6 A. But I had it with me, you know, and it was		6 Q. Cleveland?	
7 paid for. So now he's having to pay for that.		7 A. Yes.	
8 Q. But you still have the benefit of it?		8 Q. Is he really the only doctor you've seen in	
9 A. I still have the health insurance. Yes.		9 the last five years?	
10 Q. How much money were you paying, or was the		10 A. Other than if I was sick, I will go to medical	
11 City paying --		11 doctor. Family is Rodney Beauchamp.	
12 A. I think the employee part --		12 Q. Beauchamp?	
13 (Court reporter interrupted for		13 A. B-E-A-U-C-H-A-M-P.	
14 clarification.)		14 Q. And what pharmacies do you trade with?	
15 Q. How much were you paying when you were		15 A. Doctors Center Pharmacy.	
16 employed, and what's the premium now for your		16 Q. Sorry?	
17 coverage?		17 A. Doctors Center Pharmacy.	
18 A. I'm not sure what the employee part was, if		18 Q. Doctors Center. Anywhere else?	
19 you were a city employee for yourself because		19 A. No.	
20 I was not listed under the family coverage.		20 Q. During the time you were employed in the	
21 It might have been \$10 a pay period. I'm not		21 magistrate's office, were you ever going	
22 sure.		22 around recording employees --	
23 Q. You had coverage, and he had coverage?		23 A. No, I was not.	

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<p style="text-align: right;">Page 297</p> <p>1 Q. -- with a tape recorder? No?</p> <p>2 A. The only time I had a tape recorder is in that</p> <p>3 meeting that we had.</p> <p>4 Q. What meeting, now, is this?</p> <p>5 A. That we -- that you have on exhibit -- I'm not</p> <p>6 sure what number is where -- where personnel</p> <p>7 director, Kai, was there and the judge when we</p> <p>8 all had a meeting. And Lavera was talking</p> <p>9 very loud and rude.</p> <p>10 Q. Do you have a tape recording of that?</p> <p>11 A. No. It was taken up.</p> <p>12 Q. Did someone take it away from you?</p> <p>13 A. Yes.</p> <p>14 Q. Who was that?</p> <p>15 A. Michelle Sellers.</p> <p>16 Q. Did the people know they were being recorded?</p> <p>17 A. Some did.</p> <p>18 Q. And who knew?</p> <p>19 A. I'm not sure who all knew. I -- I don't</p> <p>20 know. I mean, there was -- there was a lot of</p> <p>21 us in there. I'm not sure.</p> <p>22 Q. And why were you recording it?</p> <p>23 A. I just wanted it on record as what was being</p>	<p style="text-align: right;">Page 299</p> <p>1 know, we could've covered several things.</p> <p>2 Q. So it was shortly after you had been back?</p> <p>3 A. No.</p> <p>4 Q. What date --</p> <p>5 A. No. This was --</p> <p>6 MR. JAFFREE: Let me. I tried to</p> <p>7 see where this was going, but</p> <p>8 I'm going to object to the</p> <p>9 relevance. I'm not going to</p> <p>10 instruct you to answer. This is</p> <p>11 not --</p> <p>12 MS. NELSON: It's just discovery.</p> <p>13 I'm trying to --</p> <p>14 MR. JAFFREE: But it's not part of</p> <p>15 any defense that I know of, but</p> <p>16 that was not the basis for a</p> <p>17 decision.</p> <p>18 MS. NELSON: Well, she's going</p> <p>19 around running a tape recorder</p> <p>20 of people. I'm just -- when</p> <p>21 Donna Nicholson was there? I'm</p> <p>22 just trying to --</p> <p>23 A. No. I don't think Donna was there.</p>
<p style="text-align: right;">Page 298</p> <p>1 said in there.</p> <p>2 Q. And why is there?</p> <p>3 A. So nothing could be -- well, in case something</p> <p>4 happened that I needed, you know, to use it.</p> <p>5 If it was involving something that -- just</p> <p>6 like what happened where I was mistreated and</p> <p>7 nothing was done.</p> <p>8 Q. And, again, I know we've been through a lot.</p> <p>9 Y'all were meeting with Kai Davis as a group?</p> <p>10 A. And the judge --</p> <p>11 Q. In the judge's office?</p> <p>12 A. -- as a group.</p> <p>13 No. It was in our break room area over</p> <p>14 here at this two-story building.</p> <p>15 Q. And what were you meeting over?</p> <p>16 A. I can't remember. I don't know. I don't know</p> <p>17 if it was after the fact that Donna had left</p> <p>18 and we didn't have a court administrator at</p> <p>19 the time. I'm not sure. It was just --</p> <p>20 Q. There was friction in the office?</p> <p>21 A. Well, I'm sure. The morale was not that good,</p> <p>22 so I don't -- you know, I don't remember what</p> <p>23 the actual gist of the meeting was about. You</p>	<p style="text-align: right;">Page 300</p> <p>1 Q. After she left?</p> <p>2 A. I think it was after she left. And I wasn't</p> <p>3 running around. This was one incident, and it</p> <p>4 was taken up.</p> <p>5 Q. And I'm trying to figure out what --</p> <p>6 A. So it's not something --</p> <p>7 Q. -- date this occurred.</p> <p>8 A. I don't know. I don't remember.</p> <p>9 Q. Was Bettye King there?</p> <p>10 A. I don't know. She could have been, but I</p> <p>11 don't -- I don't think we had a court</p> <p>12 administrator. It might have been the time in</p> <p>13 between Donna and Bettye. I'm just not sure.</p> <p>14 Q. Have you ever reported to a black manager</p> <p>15 before Judge Gordon?</p> <p>16 A. Before Judge Gordon?</p> <p>17 Q. Yeah.</p> <p>18 A. Trying to think. I don't believe so. I'm</p> <p>19 trying to think of my past jobs. I don't -- I</p> <p>20 don't believe so. And I know that we had some</p> <p>21 in the police department that would get</p> <p>22 promoted and we'd get a new sergeant, but I</p> <p>23 don't think any of them were black.</p>

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1 Q. You didn't report to them, did you? You 2 didn't report to a black manager?		1 understand by doing that to that or something 2 that it would not -- it's not the proper way 3 to do it.	
3 A. I don't believe so.		4 Q. Did you feel like you knew more than anybody 5 else in the office?	
4 Q. Did you resent having to report to a black 5 manger?		5 A. I don't feel like I knew more than anybody 6 else, but I know that I've trained -- I 7 trained several of the people in that office. 8 And I knew that several people came to me when 9 they had questions, and I was given a little 10 bit more responsibility than others. I didn't 11 feel like I knew more than they did.	
6 A. No, I did not.		10 Q. You said sometimes she was belittling. Do you 11 feel like your tone of voice and conduct was 12 often belittling to others?	
7 Q. Did you resent having to work with black 8 employees?		13 A. I don't know how they took it. I mean, I 14 don't know how it was received or if it, you 15 know -- I don't know.	
9 A. No.		16 Q. Now, we've been over a lot of stuff, and I'm 17 trying to wrap up. But I'm just asking if 18 we've gone over all your claims that you're 19 making against the City and the judge and if 20 you've got any other evidence or information	
10 Q. Was any of the reason you were meeting with 11 Kai Davis -- that's why I'm just trying to 12 figure out why you were meeting.		21	
13 A. I don't know. This meeting was called, I'm 14 assuming by the judge. I don't know, and I 15 don't why Kai Davis was there. I don't know.		22	
16 Q. But you felt compelled to tape record it?		23	
17 A. Well, I just wanted that whatever was going to 18 be said, you know, on file. I mean, I -- I 19 just felt like that I -- I needed to do that.			
20 Q. And what has been your relationship with 21 Michelle Sellers or your relationship when you 22 worked there; did the two of you get along?			
23 A. Sometimes.			
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1 Q. But sometimes you didn't?		1 Q. Your association. I assume you're talking 2 about with Mary Turner?	
2 A. No. She was not in our chain of command, but 3 she, at times, was very belittling and also 4 instructing us to do things that we didn't 5 feel like were appropriate regarding cases, 6 our magistrate duties that she was not 7 experienced in.		3 A. He asked the question. I'm not sure.	
8 Q. Was she your supervisor at some point in time?		4 Q. Do you know what -- are you claiming free 5 association?	
9 A. Some point in time she was, but not -- not 10 most of the time.		6 A. Yes.	
11 Q. And you resented having to take instruction 12 from her?		7 MR. JAFFREE: She may not know she 8 is, but she is.	
13 A. No, I didn't resent that. I didn't resent it, 14 no.		9 A. I'm sorry. I wasn't really paying attention 10 because I knew he was talking to you. I'm not 11 sure.	
15 Q. You didn't agree with what she was instructing 16 you to do?		12 Q. And what facts do you have to support your 13 free association claim?	
17 A. Well, at some -- not -- not during the 18 particular time that she was maybe our 19 supervisor. I mean, I just know there were 20 times. I don't know the dates or anything 21 or -- but I know that there were times that, 22 you know, because she wasn't experienced in 23 magistrate duties, that she would not		14 A. What facts?	

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<p>1 socialize with someone away from the job. 2 It -- you know, that's just -- that's just 3 hard for me to believe when you've got a First 4 Amendment Freedom of Speech, and I want to 5 associate with the Pope and, you know, 6 whoever. I should be -- that's my prerogative 7 to do that. I don't -- if -- if I'm going to 8 church that Sunday and she's in my Sunday 9 School class and we're discussing something, 10 I -- I'm going to be able to sit there and 11 talk to her or speak to her. I don't -- 12 nobody should be allowed to tell me that I'm 13 not allowed to speak to somebody.</p> <p>Q. Even if it's your supervisor at your job who's asking you not to communicate with an individual that's under police investigation for a criminal offense?</p> <p>A. She should not have a right to tell me, away from my job, whether I can socialize or speak to someone.</p> <p>Q. Okay.</p> <p>MR. JAFFREE: Your supervisor is not God?</p>	<p>1 A. I -- I can't think of anything right now. 2 MS. NELSON: Let me just have two 3 seconds outside with my client.</p> <p>Q. Before we do that, really, you know, you've given me all the documents that you have in your possession that would support your claim?</p> <p>A. Yes.</p> <p>Q. And you or your attorney has given me a list of people that might have knowledge about your case. Most of them I think we've talked about. Donna Snell?</p> <p>A. That's Donna Nicholson. She's a Snell now.</p> <p>Q. Thank you.</p> <p>Gary -- we're have not talked about Gary Shirah. What knowledge would he have about your claims and your case?</p> <p>A. I know he was a former magistrate. I don't think we mentioned him. He now works in the business license division.</p> <p>Q. And what knowledge would he have about --</p> <p>A. I'm not sure, other than that -- errors that were made.</p> <p>Q. Jerry Corbin? What knowledge would he have</p>
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<p>1 THE WITNESS: That's correct.</p> <p>Q. And that's your freedom of association claim?</p> <p>A. That's --</p> <p>Q. Okay. Do you have any other evidence that would support your claims that you've been discriminated against or treated differently because of your race by Judge Gordon?</p> <p>A. Just that it's -- it's very blatant that I was disciplined for any little thing and was internally investigated at times that I shouldn't have been. And we've got Eunice and Lavera who made just negligent errors with people getting wrongfully arrested, which violates their rights. And they're put in jail, and they shouldn't have been. And that's just something that when you first become a magistrate, when I was up under Gayle Schwarz, that was something that you just did not allow to happen. And they were not disciplined? So I -- I feel like that that's just -- it's blatant.</p> <p>Q. Okay. I think we've talked about that. Anything else?</p>	<p>1 about your claims?</p> <p>THE WITNESS: I think he was for Nancy, wasn't he, on Nancy's --</p> <p>A. I'm not sure. I think he was the acting city manager at some point in time.</p> <p>Q. You know if he had any involvement in any matters or discipline affecting you?</p> <p>A. I'm not sure. I think he -- I'm not sure if he was acting city manager or not. I -- I don't know.</p> <p>Q. Mike West? Would he have any knowledge about the claims you're making against the City?</p> <p>A. I'm not sure. He was -- he's just a city manager. I don't know.</p> <p>Q. Kalia Spears Lane, would she have any knowledge about the claims you're making?</p> <p>A. I'm not sure.</p> <p>Q. I'm just asking.</p> <p>A. Well, I mean, I don't know because I don't know if this is including Nancy's witnesses or not.</p> <p>Q. I'm just asking --</p> <p>A. Oh, for me?</p>

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<p style="text-align: right;">Page 309</p> <p>1 Q. I'm just asking for your case?</p> <p>2 A. Not to my knowledge. No.</p> <p>3 Q. Mike Etress, we talked about him.</p> <p>4 A. Yes, we did.</p> <p>5 Q. Steve Parrish?</p> <p>6 A. I don't think so. He might have been the 7 captain over CID. I'm not sure. I don't -- I 8 don't think he has anything to do -- he might 9 have been involved in Mary's criminal stuff. 10 I'm not sure.</p> <p>11 Q. Don Thompson?</p> <p>12 A. I think that's Nancy's witness. I don't think 13 he has anything to do with mine.</p> <p>14 Q. Rickey Stokes?</p> <p>15 A. We talked about him.</p> <p>16 Q. I think you've told me everything that Rickey 17 Stokes may have knowledge about in your case?</p> <p>18 A. Yes.</p> <p>19 Q. Tim Dickerson?</p> <p>20 A. He's another bondsman.</p> <p>21 Q. Would he have any knowledge?</p> <p>22 A. I don't think about mine, no.</p> <p>23 Q. And then there's some municipal defendants</p>	<p style="text-align: right;">Page 311</p> <p>1 Q. Jerry Jessie?</p> <p>2 A. I don't know.</p> <p>3 Q. You've got to speak up.</p> <p>4 A. I don't -- I'm sorry. I don't know. I don't 5 --</p> <p>6 Q. Well, your attorney must have gotten these 7 from somewhere. I'm just --</p> <p>8 A. Well, I mean, it could be for Nancy's stuff, 9 too. I don't know.</p> <p>10 Q. I'm just asking if you know. Janasky Boykin?</p> <p>11 A. Boykin, that's sounds familiar.</p> <p>12 Q. But nothing that you can --</p> <p>13 A. Well, I mean, we'd have to -- those are just 14 names that stand out that we'd have to pull 15 the paperwork to see. I mean, I couldn't 16 really tell you for sure.</p> <p>17 Q. "Stand out" that what?</p> <p>18 A. Well, I mean, they could've been falsely 19 arrested. I'm not sure.</p> <p>20 Q. Trael Steven?</p> <p>21 A. The name doesn't do anything.</p> <p>22 Q. Gregory Powe?</p> <p>23 A. I do believe he was falsely arrested. I'm not</p>
<p style="text-align: right;">Page 310</p> <p>1 listed here, Michael Rudnick?</p> <p>2 A. I don't know unless it was some that show 3 where errors were made. I'm not sure.</p> <p>4 Q. Carmen Caster?</p> <p>5 A. I don't know. We'll just have to pull the 6 file. I'm mean, I'm not sure.</p> <p>7 Q. I'm just asking you if you know.</p> <p>8 A. I mean, the names are familiar.</p> <p>9 Q. Donald Earl Hauser?</p> <p>10 A. Hauser.</p> <p>11 Q. Hauser? You don't know?</p> <p>12 A. I don't know.</p> <p>13 Q. Cecil Eubanks?</p> <p>14 A. I don't know.</p> <p>15 Q. James Richard Culver?</p> <p>16 A. That names rings a bell. I mean, could be, 17 you know, some error that they made. I'm not 18 sure. We'd just have to pull the paperwork 19 and look at it.</p> <p>20 Q. Christopher Lee Carroll?</p> <p>21 A. It sounds familiar.</p> <p>22 Q. Malcolm Rescoe Davis?</p> <p>23 A. I'm not sure about that one.</p>	<p style="text-align: right;">Page 312</p> <p>1 sure if that's the one that was with the cash 2 bond incident or not. I'm not sure.</p> <p>3 Q. What cash bond incident?</p> <p>4 MR. JAFFREE: Yeah, what cash bond 5 incident?</p> <p>6 Q. What cash bond incident?</p> <p>7 A. I think that's with Nancy's.</p> <p>8 MR. JAFFREE: That's Nancy's?</p> <p>9 THE WITNESS: I think so.</p> <p>10 Q. Well, do you have knowledge of it?</p> <p>11 A. Well, it's what they told me. I mean, you 12 know.</p> <p>13 Q. Who told you what?</p> <p>14 A. I don't -- but I'm not going to say that 15 that's the person for sure because I know that 16 there was an incident with a cash bond that -- 17 when Michelle Bryan was going into the 18 courtroom in the side door one day, she -- and 19 this is her telling me.</p> <p>20 Q. Okay.</p> <p>21 A. She said that Judge Gordon -- in her office 22 was Judge Gordon, Eunice, a grandmother I 23 think -- it may have been the mother. And</p>

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1	then the defendant had been arrested, and he	1	A. Yes.
2	shouldn't have been. And there was -- she	2	Q. During the time you were employed with the
3	posted a cash bond for him to get out. And	3	City?
4	she wanted to know how to get her cash bond	4	A. Yes.
5	money back. So that -- I'm not sure if that's	5	Q. Did you feel that a person acting as an
6	the one, if it was Gregory Powe or not. I	6	administrative supervisor had the right to
7	don't know.	7	literally tell you not to make contract with
8	Q. And who do you -- you don't know really why	8	somebody who was a close friend?
9	he's listed?	9	A. I don't think she has a right to.
10	A. He could be because of that. I'm not sure.	10	Q. To comply with her directive, do not contact
11	Q. And who are you claiming was involved in that	11	this person for an indefinite time, would that
12	cash bond?	12	have frustrated your rights to socialize with
13	A. Eunice Knight.	13	this person?
14	Q. And other than what you've heard, you really	14	Do you understand the question?
15	don't have any personal knowledge about it?	15	A. No. I'm sorry. Repeat.
16	A. Not other than what Michelle told me.	16	Q. Listen carefully.
17	Q. Michelle Bryan?	17	A. It's been a long day.
18	A. Yes.	18	Q. For someone to tell you not to make any
19	Q. And Theron Fondren, we've talked about him?	19	contact with Mary Turner, would that have
20	A. Yes.	20	frustrated your right to socialize with
21	MS. NELSON: If you could give us	21	Ms. Turner and have a relationship with her?
22	just a second, or we can step	22	A. Yes.
23	out or y'all can step out.	23	Q. Did you interpret the no contact to be, don't
	Page 314		Page 316
1	MR. JAFFREE: We'll step out.	1	contact her for any reason?
2	(Brief pause)	2	A. I understood it to be while we were at work or
3	MS. NELSON: Okay. I believe that's	3	while I was working.
4	all I have right now.	4	Q. And did you think that contact was limited
5	EXAMINATION	5	just to any matter relating to the
6	BY MR. JAFFREE:	6	investigation?
7	Q. You testified on direct or from the questions	7	A. Yes. I thought it meant about the
8	that counsel for the City asked you that you	8	investigation that was going on.
9	and Mary Turner were friends; is that correct?	9	Q. Were you in a position to notify Ms. Turner of
10	A. Yes.	10	anything that could be useful to her with
11	Q. Would you characterize yourself as close	11	respect to the investigation?
12	friends?	12	A. No.
13	A. Yes.	13	MS. NELSON: Object to the form.
14	Q. And what do you mean by that.	14	MR. JAFFREE: Thanks.
15	A. Well, we not only went to church together,	15	Q. Now, you stated earlier that the two black
16	we -- we'd go out to eat lunch together. We	16	magistrates, Lavera and --
17	socialized away from work. We -- we'd go to	17	A. Eunice.
18	each other's house for supper or dinner. We'd	18	Q. -- Eunice made mistakes.
19	go to her sister's house. She has a pool, and	19	A. Yes.
20	we've had some parties or, you know, get	20	Q. Data entry mistakes and mistakes on forms.
21	togethers over there. So there's just, you	21	And I think in response to the question, you
22	know -- we'd go shopping together.	22	said, other people may have made mistakes.
23	Q. Did y'all socialize on a regular basis?	23	Could you compare the mistakes that Eunice

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<p>1 and Lavera made with respect to the other 2 magistrates' mistakes?</p> <p>3 A. Well, I don't know if they had mistakes where 4 people were falsely arrested, the other 5 magistrates. I don't know. But I know that, 6 you know, there might have been some clerical 7 data entry or -- I don't know that as far as 8 personal knowledge. But --</p> <p>9 Q. Do you know whether or not Eunice and Lavera 10 made numerous mistakes?</p> <p>11 A. Yes, I do.</p> <p>12 Q. Were you present during the testimony of the 13 auditor with respect to the mistakes that she 14 discovered?</p> <p>15 A. Yes, I was.</p> <p>16 Q. And I think you testified earlier that at some 17 point the judge told you that anybody makes 18 errors?</p> <p>19 A. Yes.</p> <p>20 Q. When she terminated you for allegedly making a 21 data entry error, did she tell you that 22 everybody makes mistakes?</p> <p>23 MS. NELSON: Object to the form.</p>	<p>1 not you should rely on what they say or stop 2 what you're doing and go through them ticket 3 by ticket?</p> <p>4 A. I don't think there's anything that states 5 that we must sit there and compare both the -- 6 the transmittal to the tickets and vice versa.</p> <p>7 Q. All right. Was it your testimony that when 8 you started matching the tickets with the 9 names on this transmittal, you found a ticket 10 missing?</p> <p>11 A. Yes.</p> <p>12 Q. And I think it was your testimony that prior 13 to putting "void" in, you made a contact with 14 Officer Duhaime, is it?</p> <p>15 A. Duhaime.</p> <p>16 Q. And asked him, what's with this ticket?</p> <p>17 MS. NELSON: Object to the form.</p> <p>18 A. Yes.</p> <p>19 Q. And the officer stated --</p> <p>20 A. That he voided the ticket.</p> <p>21 Q. Now, did you have any reason to believe at 22 that time -- this was back in 2002 -- that a 23 police officer didn't have a right to void a</p>
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<p>1 A. No.</p> <p>2 Q. On speaking about that data entry -- let me 3 see what exhibit that is. I think Exhibit 4 34. Now, I notice here on Exhibit 34 next to 5 Stephen Phelps' name, there is no case number 6 indicated; is that correct?</p> <p>7 A. That's correct.</p> <p>8 Q. Now, why was there no case number indicated?</p> <p>9 A. Because I didn't have the ticket.</p> <p>10 Q. All right. And you said, sometimes because of 11 how busy magistrates are, you have the 12 officers swear to these transmittals before 13 you go through and compare the tickets with 14 the entries that the officer had made; is that 15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Would you say that's unique to you or other 18 magistrates did the same thing?</p> <p>19 A. I have -- I have witnessed other magistrates 20 do the same thing.</p> <p>21 Q. Were you ever given a directive of what to do 22 when you're busy and the police officers give 23 you these things with the tickets whether or</p>	<p>1 ticket?</p> <p>2 A. Ask that again, please.</p> <p>3 Q. Did you have any reason to believe in 2002 4 that a police officer didn't have a right to 5 void a ticket?</p> <p>6 A. No.</p> <p>7 Q. Now, when you said, voided, you didn't see the 8 ticket, did you?</p> <p>9 A. No, I did not.</p> <p>10 Q. You know if he wrote "void" on it or not?</p> <p>11 A. No.</p> <p>12 Q. If he voided the ticket but didn't write 13 "void" on it, you would have no way of 14 knowing?</p> <p>15 A. That's right.</p> <p>16 Q. So this entry that you made was based purely 17 on what he said?</p> <p>18 A. Correct.</p> <p>19 MS. NELSON: Object to the form.</p> <p>20 Q. Now, you were shown Exhibit Number 31 for 21 category of major offenses, and you were 22 accused of committing a major offense because 23 you put void in this column to reflect what</p>

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<p style="text-align: right;">Page 321</p> <p>1 the officer told you, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Do you see anything on Exhibit 31 that 4 suggests that if you negligently or carelessly 5 put a data entry in, that you have committed a 6 major offense?</p> <p>7 MS. NELSON: Object to the form. 8 (Brief pause)</p> <p>9 A. No.</p> <p>10 Q. Let me ask you this: Your putting void on 11 this transmittal form, would that be 12 considered a data entry?</p> <p>13 Do you understand? Is void an indication 14 of a status?</p> <p>15 MS. NELSON: Object to the form.</p> <p>16 Q. Do you understand the question?</p> <p>17 A. No, I'm sorry.</p> <p>18 Q. All these items on here, on this form, is that 19 considered data entries?</p> <p>20 Do you understand what a data entry is?</p> <p>21 A. My keying it into the computer? Is that --</p> <p>22 Q. Well, not necessarily keyed into the 23 computer.</p>	<p style="text-align: right;">Page 323</p> <p>1 Q. And you got accused of negligently putting 2 that data entry in?</p> <p>3 A. Yes.</p> <p>4 Q. And you said that you don't see on Exhibit 31 5 where any of these things for negligently 6 putting any data entry in is a major offense?</p> <p>7 A. That's correct.</p> <p>8 Q. But let's assume that it is. Do you know for 9 a fact that Lavera put in negligent data 10 entries on anything, a computer or form or 11 anything?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know for a fact whether Eunice has ever 14 committed a data entry error?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know if the judge -- the defendant, the 17 judge here, was aware that Eunice had 18 committed a data entry error?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know for a fact whether the judge was 21 aware that Lavera had committed a data entry 22 error?</p> <p>23 A. Yes.</p>
<p style="text-align: right;">Page 322</p> <p>1 A. I'm sorry.</p> <p>2 Q. But do you know what data is?</p> <p>3 A. Yes. It's information.</p> <p>4 Q. Information?</p> <p>5 A. Right.</p> <p>6 Q. Do all these numbers represent information?</p> <p>7 A. Yes.</p> <p>8 Q. Does this voided represent information?</p> <p>9 A. Yes.</p> <p>10 Q. So these entries represent information, 11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. Data, correct?</p> <p>14 A. Correct.</p> <p>15 Q. They are entered on something, right?</p> <p>16 A. Correct.</p> <p>17 Q. So these would've been considered data 18 entries?</p> <p>19 MS. NELSON: Object to the form.</p> <p>20 A. Correct.</p> <p>21 Q. Correct? Okay. So this is a representation 22 of a data entry?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 324</p> <p>1 Q. Okay. Do you know whether or not Lavera has 2 ever been suspended for ten days?</p> <p>3 A. No.</p> <p>4 Q. Do you know for a fact whether Eunice has ever 5 been suspended for ten days?</p> <p>6 A. No.</p> <p>7 Q. You don't or they were not?</p> <p>8 A. To my knowledge, they were not.</p> <p>9 Q. You mean, from the time you were there?</p> <p>10 A. Right.</p> <p>11 Q. Would you have known it if they were suspended 12 for ten days?</p> <p>13 A. Sure I would have.</p> <p>14 Q. So to your knowledge, neither one of them were 15 suspended for ten days?</p> <p>16 A. That's correct.</p> <p>17 Q. All right. During the time you were there, 18 were either of them terminated for putting in 19 a negligent data entry?</p> <p>20 A. No.</p> <p>21 Q. As far as you know, were either of them 22 disciplined in any manner for putting in a 23 negligent data entry?</p>

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1 A. No.		1 got hired?
2 Q. If you were terminated for putting in a 3 negligent data entry and if they didn't 4 receive any discipline at all for putting in a 5 negligent data entry, would you say that you 6 were treated differently than they?		2 A. Yes.
7 A. Yes.		3 Q. Are you familiar with any incidents where the 4 Defendant Judge Gordon went out of her way to 5 benefit this black magistrate that got hired?
8 Q. Were you, Eunice, and Lavera all magistrates?		6 MS. NELSON: I'm sorry. Say that 7 again.
9 A. Yes.		8 Q. Do you know of any incident where the 9 defendant judge went out of her way to benefit 10 this black magistrate that was hired?
10 Q. With the same status?		11 A. All I know is from what Nancy has talked to me 12 about since we've been terminated from the 13 City.
11 A. Yes.		14 Q. And what magistrate are you referring to?
12 Q. Same job duties --		15 A. Tonya Minfield.
13 A. Yes.		16 Q. Do you know anything with respect to finding 17 Tonya an office when she first got hired?
14 Q. -- responsibilities?		18 A. Yes.
15 Were they of the same racial group as you?		19 Q. And what do you know?
16 Do you understand about racial?		20 A. Well, I know that they -- they moved some 21 magistrates around, and we actually asked the 22 city manger from what I -- or, well, I say 23 we. I say judge; I guess the department
17 Were they of a different race?		
18 A. Yes.		
19 Q. So these two were black individuals or 20 African-American?		
21 A. Yes.		
22 Q. These same African-Americans committed the 23 same category of offense that you did,		
	Page 326	Page 328
1 correct?		1 head -- asked to -- because the building that
2 A. Yes.		2 they're currently in, we only had so much
3 MS. NELSON: Object to the form.		3 office space out of that building. So in
4 Q. Well, did they -- as far as you know, did each		4 order to acquire additional room, it had to be
5 commit a data entry error?		5 approved through the city manager. And I
6 A. Yes.		6 understand that Valarie was moved to that
7 MS. NELSON: Object to the form.		7 office, and I'm not sure if Michelle Bryan was
8 Q. And they were treated differently; is that		8 moved to Valarie's old office or if Tonya got
9 correct?		9 Valarie's old office. But I do know that they
10 A. Yes.		10 made an office for her.
11 Q. Is that discrimination in your mind?		11 Q. Was she high on the seniority roster, Tonya?
12 A. Yes, it is.		12 Do you understand the question?
13 Q. Now, do you know for a fact whether or not the		13 A. That I'm not sure of.
14 two of them were treated differently than		14 Q. We're talking about Tonya?
15 other whites that worked in that department?		15 A. Yes.
16 Do you understand the question?		16 Q. Do you understand what I mean by, high on the
17 A. I'm sorry.		17 seniority roster? I'm talking about between
18 Q. Maybe I need to rephrase my questions. Do you		18 the magistrates that were currently working --
19 know if Lavera and Eunice were treated		19 A. Oh, okay. I'm sorry.
20 differently than other white magistrates?		20 Q. -- do you know if she was higher on the
21 A. Yes.		21 seniority?
22 MS. NELSON: Object to the form.		22 A. No. She was -- she was on the bottom.
23 Q. Are you aware of another black magistrate that		23 Q. She was the lowest thing on the totem pole?

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<p style="text-align: right;">Page 329</p> <p>1 A. Yes.</p> <p>2 Q. And efforts were made to get her a nice 3 office?</p> <p>4 MS. NELSON: Object to the form.</p> <p>5 A. Yes.</p> <p>6 Q. You're quite sure of that?</p> <p>7 A. Yes.</p> <p>8 Q. Can you think of any reason, other than she 9 was a minority, that efforts were made to get 10 her a good office?</p> <p>11 A. Not to my knowledge. I know that Mary Turner 12 asked for an office, and she was told she 13 didn't need one.</p> <p>14 Q. Mary Turner is what color?</p> <p>15 A. White.</p> <p>16 MS. NELSON: Object to the form.</p> <p>17 Hearsay.</p> <p>18 MR. JAFFREE: Mary Turner being 19 white is hearsay?</p> <p>20 Q. Okay. All right.</p> <p>21 MS. NELSON: No. That's not why I 22 was objecting.</p> <p>23 Q. Y'all implemented a new commuter system; is</p>	<p style="text-align: right;">Page 331</p> <p>1 concur" and some variant of those terms on 2 every single one. Why did you do that?</p> <p>3 A. I just -- that's just the word I used. I 4 didn't -- you know, I used that on all of 5 them.</p> <p>6 Q. Did you intend by the use of that word to 7 agree with every entry that was on this 8 document?</p> <p>9 A. No, not everything. And I felt like if I 10 wrote something that I didn't agree with, 11 I -- you know, it would be used against me.</p> <p>12 Q. For instance, on Exhibit 15, on page 2, number 13 8, dealing with the public, it says, "Recently 14 there have been complaints from attorneys 15 regarding the way they were talked to by Mary 16 Beth."</p> <p>17 Did you agree with that?</p> <p>18 A. No, because I didn't never -- it wasn't 19 brought to my attention or who was 20 complaining.</p> <p>21 Q. Did any attorney ever tell you that they 22 disliked the way you were speaking with them?</p> <p>23 A. No.</p>
<p style="text-align: right;">Page 330</p> <p>1 that correct?</p> <p>2 A. Correct.</p> <p>3 Q. And, so, when the system was just starting, 4 errors in data entry could be expected, right?</p> <p>5 A. Sure.</p> <p>6 Q. When did the system, you think, get 7 implemented?</p> <p>8 A. I don't remember. I don't --</p> <p>9 Q. Do you recall what year?</p> <p>10 A. I know that we were over here at the two-story 11 building on the corner. But I'm not -- I know 12 that -- I'm not sure if Donna was here or 13 not.</p> <p>14 Q. Let me ask you this: After the system had 15 been implemented and the people had an 16 opportunity to get familiar with the system, 17 were Eunice and Lavera still making data entry 18 errors?</p> <p>19 A. Yes.</p> <p>20 (Brief pause)</p> <p>21 Q. Now, I noticed on Exhibit 15 and all other 22 exhibits dealing with employee job performance 23 evaluations, you indicated "concur" or "I</p>	<p style="text-align: right;">Page 332</p> <p>1 Q. And in your opinion, did you ever speak in an 2 unprofessional to an attorney?</p> <p>3 A. Not to my knowledge.</p> <p>4 Q. Do you recall whoever was the evaluator, Donna 5 Nicholson, providing you with specificity as 6 to what attorneys had complained?</p> <p>7 A. No.</p> <p>8 Q. Did anybody ever show you a memo or letter 9 from an attorney, indicating a complaint?</p> <p>10 A. No.</p> <p>11 Q. So when you said you -- and all you said here 12 is "concur," you did not intend to concur with 13 this item here on page 2, item number eight?</p> <p>14 MS. NELSON: Object to the form.</p> <p>15 A. That's correct.</p> <p>16 (Brief pause)</p> <p>17 Q. Now, on Exhibit Number 7, you also -- did I 18 mention -- this is 7 I just mentioned -- 19 concur. And it states here in Section 3 that 20 "she has corrected some problems she has had 21 in communication skills with dealing with the 22 public."</p> <p>23 Did you concur that you had problems in</p>

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<p>1 your communication skills in dealing with the 2 public?</p> <p>3 A. No.</p> <p>4 Q. So when you concurred, you did not intend to 5 concur that you had problems —</p> <p>6 MS. NELSON: Object to the form.</p> <p>7 Q. — in dealing with the public?</p> <p>8 A. That's correct.</p> <p>9 Q. Did anybody explain to you what they meant by 10 problems with communication skills in dealing 11 with the public?</p> <p>12 A. No.</p> <p>13 Q. So you don't know what they were referring to?</p> <p>14 A. No.</p> <p>15 Q. And the same thing was mentioned in 16 Defendants' Exhibit Number 8. You said, "I 17 concur." And there's an entry here that "she 18 is currently showing some problems in the area 19 of communication with the public and other 20 employees along with some poor attitude."</p> <p>21 Did you intend to concur with that 22 comment?</p> <p>23 A. Well, I didn't -- no. I mean, I disputed</p>	<p>1 didn't sign that document, you would be 2 considered insubordinate?</p> <p>3 A. That's correct.</p> <p>4 Q. Did Ms. Sellers present herself as an agent 5 for the Defendant Gordon?</p> <p>6 Do you understand the question?</p> <p>7 A. Yes.</p> <p>8 MS. NELSON: Object to the form.</p> <p>9 Q. Did you think that Ms. Sellers was providing 10 you this document on behalf of Judge Gordon?</p> <p>11 A. Yes.</p> <p>12 Q. Do you have reason to believe that Ms. Sellers 13 drafted this document and forged Judge 14 Gordon's name and submitted that on her own 15 behalf?</p> <p>16 A. No.</p> <p>17 Q. Do you think Ms. Sellers would have told you 18 that if you didn't sign that, you'd be 19 insubordinate without getting prior clearance 20 from Defendant Gordon to tell you that?</p> <p>21 A. I would hope not. I don't know.</p> <p>22 Q. So was it your opinion at the time that you 23 were required to sign that in order to keep</p>
<p>1 the -- you know, I didn't agree with her -- I 2 mean, with what she said.</p> <p>3 Q. Okay. Well, did she indicate to you in detail 4 what kind of poor attitude you have?</p> <p>5 A. No, not that I recall.</p> <p>6 Q. What type of communications with the public 7 that you had?</p> <p>8 A. Not that recall.</p> <p>9 Q. Was there ever a performance plan drafted for 10 you to tell you how you should approach the 11 public versus the way you were approaching the 12 public?</p> <p>13 A. I'm not sure if there was. I don't know.</p> <p>14 Q. Was it ever given to you?</p> <p>15 A. I don't -- I don't recall one given to me.</p> <p>16 Q. Try to stay awake a few more minutes.</p> <p>17 A. Let me get some water. (Brief interruption)</p> <p>18 Q. Let me show you what's been marked by the 19 Defendant as Exhibit 16, this document right 20 here (indicating).</p> <p>21 I think on direct testimony, you stated 22 that Ms. Sellers had informed you that if you</p>	<p>1 your job?</p> <p>2 A. Yes.</p> <p>3 Q. Now, do you remember the first police 4 interrogation that you had?</p> <p>5 MS. NELSON: Object to the form.</p> <p>6 A. Yes.</p> <p>7 Q. Or what the defense has referred to as, I 8 guess an investigation, but it was something 9 you were required to attend, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And were one or two police officers present 12 when you first — at the first one you had?</p> <p>13 A. Two.</p> <p>14 Q. Do you remember when that was?</p> <p>15 A. It was in November of 2001.</p> <p>16 Q. And that was involving the alleged claim that 17 you referred to somebody as incompetent?</p> <p>18 MR. JAFFREE: Object to the form.</p> <p>19 A. I don't know about incompetent.</p> <p>20 Q. Well, some public defender --</p> <p>21 A. Yes.</p> <p>22 Q. — as being incompetent or not knowing what 23 they were doing or something.</p>

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<p style="text-align: right;">Page 337</p> <p>1 A. Yes.</p> <p>2 Q. There was an accusation made to that effect?</p> <p>3 A. Yes.</p> <p>4 Q. And during this police interrogation, did you get the impression that officers involved were attempting to get you to admit --</p> <p>7 A. Yes.</p> <p>8 Q. -- that you had accused a public defender of being incompetent?</p> <p>10 A. Yes.</p> <p>11 Q. And told the defendant to obtain the services of somebody else?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know if they presented the results of their interrogation to Defendant Gordon?</p> <p>16 MS. NELSON: Object to the form.</p> <p>17 A. I'm not sure if they did or not. I mean, it was -- I know that it was on my evaluation. I don't know what the outcome of that was. I don't know if -- you know, I don't know.</p> <p>21 Q. Other than that police interrogation, did the evaluator who placed that information on your evaluation ask you for your side of the story?</p>	<p style="text-align: right;">Page 339</p> <p>1 when they talk to you?</p> <p>2 A. Yes.</p> <p>3 Q. So this entry concerning that event may have already been placed on your evaluation form --</p> <p>5 A. Yes.</p> <p>6 Q. -- before you got spoken to?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. And had Donna talked to you or whoever was the evaluator -- I don't want to go back and try to retrieve that exhibit. But had Donna and whoever the evaluator had spoken to you and got your version, your version doesn't appear on the evaluation form, does it?</p> <p>14 A. No, it does not.</p> <p>15 Q. And there's no star indicating that you dispute these facts?</p> <p>17 A. That's correct.</p> <p>18 Q. And I think you testified earlier that your concurrence did not mean that you agreed with those facts?</p> <p>21 A. That's correct.</p> <p>22 Q. The next police interrogation, do you know what that was about?</p>
<p style="text-align: right;">Page 338</p> <p>1 MS. NELSON: I'm confused. You're asking her about what now?</p> <p>3 Q. We're talking about this first incident --</p> <p>4 A. Right.</p> <p>5 Q. -- of police interrogation.</p> <p>6 A. Right.</p> <p>7 Q. And you provided the police with your side of the story; is that correct?</p> <p>9 A. That's correct.</p> <p>10 Q. Then you subsequently saw that incident on an evaluation?</p> <p>12 A. Correct.</p> <p>13 Q. And my question was, did the evaluator give you an opportunity to give your side of the story before they put that entry in the evaluation?</p> <p>17 A. I don't know if Donna did or not. She's the one that evaluated me. I'm not sure if she asked me.</p> <p>20 Q. Do they generally have -- the evaluators have the evaluations done prior to talking to you?</p> <p>22 A. Yes.</p> <p>23 Q. So most of the entries are already in there</p>	<p style="text-align: right;">Page 340</p> <p>1 A. Yes, I do.</p> <p>2 Q. What was that about?</p> <p>3 MS. NELSON: Object to the form.</p> <p>4 A. That was the Theron Fondren incident with -- an investigation with Sergeant Gary Coleman and Sergeant Ray Owens.</p> <p>7 Q. Were you instructed by Defendant Gordon or her agent or servant or employee to attend that interrogation?</p> <p>10 A. Yes.</p> <p>11 Q. Were you required to -- I'm not sure you signed the form, but they gave you a form telling you that you had to --</p> <p>14 A. Yes.</p> <p>15 Q. -- attend that interrogation?</p> <p>16 A. Well, I signed the forms, too, at the beginning of the interrogation for the police department.</p> <p>19 Q. But you don't have access of those?</p> <p>20 A. I asked for copies of those, and I was never presented with them.</p> <p>22 Q. Okay. Did you feel, at that interrogation, you were free to leave at any time without the</p>

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<p style="text-align: right;">Page 341</p> <p>1 loss of your job?</p> <p>2 A. No.</p> <p>3 Q. What about the first interrogation that you 4 testified to earlier; did you feel you were 5 free to leave there?</p> <p>6 A. No.</p> <p>7 Q. So you felt that if you left, there would be a 8 consequence?</p> <p>9 A. Sure.</p> <p>10 Q. So did you feel you were free to not answer 11 their questions?</p> <p>12 A. No. I was told that I had to cooperate fully.</p> <p>13 Q. And if you didn't cooperate fully, what did 14 you think would happen?</p> <p>15 A. I would be fired.</p> <p>16 Q. Now, did the judge have any time in her busy 17 week in which to talk to you to ask you the 18 same questions that the police officers asked 19 you?</p> <p>20 A. She did not.</p> <p>21 Q. Did she have the time?</p> <p>22 A. I feel like she did, yes.</p> <p>23 Q. You said she's off on Fridays?</p>	<p style="text-align: right;">Page 343</p> <p>1 Q. Do you have any idea why he picked you out to 2 come visit?</p> <p>3 A. I don't know.</p> <p>4 Q. Did he mention you by name?</p> <p>5 A. Yes, he did.</p> <p>6 Q. Did you tell him at the time he mentioned you 7 by name, Mr. Fondren, guess what --</p> <p>8 MS. NELSON: Object to the leading.</p> <p>9 Q. Did you suggest to Mr. Fondren in any way that 10 he had been falsely arrested?</p> <p>11 A. No.</p> <p>12 Q. Did you know he had been falsely arrested?</p> <p>13 A. I don't remember. I'm sure I --</p> <p>14 Q. Prior to his coming to you?</p> <p>15 A. Prior to? No. No.</p> <p>16 Q. How would you know?</p> <p>17 A. I didn't even know -- no. He just came up to 18 me and asked me.</p> <p>19 Q. Prior to his coming to you, did you make a 20 telephone call to him and tell him you wanted 21 to see him?</p> <p>22 A. No.</p> <p>23 Q. So if the City's version of events is to</p>
<p style="text-align: right;">Page 342</p> <p>1 A. Yes.</p> <p>2 Q. So she could have taken the time to ask you 3 your version of events?</p> <p>4 A. Yes.</p> <p>5 MS. NELSON: Object to the form.</p> <p>6 Q. How long do think it would have taken for you 7 to tell her your version of events?</p> <p>8 MS. NELSON: Object to the form.</p> <p>9 A. Not long.</p> <p>10 Q. Like how long?</p> <p>11 A. I -- I don't know. I mean, I don't --</p> <p>12 depending on how she would ask me if she would</p> <p>13 ask me questions or if I were just to tell to</p> <p>14 her what happened. I don't know how long it</p> <p>15 would take. It wouldn't take long.</p> <p>16 Q. This is the Fondren, right, the Fondren case, 17 the Fondren matter, the second interrogation?</p> <p>18 A. Yes. Yes.</p> <p>19 Q. Now, did Mr. Fondren come to you on that day?</p> <p>20 A. Yes, he did.</p> <p>21 Q. Did you know Mr. Fondren prior to his coming 22 to you?</p> <p>23 A. No, I did not.</p>	<p style="text-align: right;">Page 344</p> <p>1 believe Mr. Fondren came to you and you just 2 told him that he had been falsely arrested?</p> <p>3 MS. NELSON: Object to the form.</p> <p>4 Q. Correct?</p> <p>5 A. That's what they said, yes.</p> <p>6 Q. But your testimony was that he told you that 7 he was falsely arrested?</p> <p>8 A. Yes.</p> <p>9 Q. And did you tell this to the police officers 10 doing the investigations?</p> <p>11 A. Yes, I did.</p> <p>12 Q. Did you tell this to the judge?</p> <p>13 A. I'm not sure if we discussed -- I don't think 14 she went over that with me. I'm not sure.</p> <p>15 Q. But four months later, you suddenly got notice 16 that you were being suspended?</p> <p>17 A. Correct.</p> <p>18 Q. And during the interim, you don't have any 19 recollection of anybody talking to you, other 20 than the police? The police talked to you 21 during this interrogation?</p> <p>22 A. Correct.</p> <p>23 Q. And then four months later, you got a notice</p>

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<p style="text-align: right;">Page 345</p> <p>1 telling you that you had been terminated?</p> <p>2 A. That's correct.</p> <p>3 MS. NELSON: Object to the term</p> <p>4 "terminated."</p> <p>5 Q. I'm sorry. Suspended.</p> <p>6 Did you lose income during the time you</p> <p>7 were suspended?</p> <p>8 A. Yes, I did.</p> <p>9 Q. Were you humiliated during the time you were</p> <p>10 suspended?</p> <p>11 MS. NELSON: Object to leading.</p> <p>12 A. I was upset.</p> <p>13 Q. Did other people in your department know that</p> <p>14 you were suspended?</p> <p>15 A. I'm -- I'm sure they were. I mean, I'm sure</p> <p>16 they did. I don't know. I mean, I don't know</p> <p>17 what the judge told them or if anybody told</p> <p>18 them anything.</p> <p>19 Q. Now, after you returned back from your</p> <p>20 suspension, did you immediately start working</p> <p>21 or did you have to talk to the judge first?</p> <p>22 A. I'm not sure if Nancy and I were told to go</p> <p>23 there first thing or if it was during the</p>	<p style="text-align: right;">Page 347</p> <p>1 A. That's correct.</p> <p>2 Q. So this marking that she gave you was not</p> <p>3 something based on her direct knowledge?</p> <p>4 A. That's correct.</p> <p>5 Q. And on this next page, this item number eight,</p> <p>6 dealing with the public, was based on that</p> <p>7 same incident; is that correct?</p> <p>8 A. I -- I assume that is. That's what I</p> <p>9 understood.</p> <p>10 Q. Well, I'll tell you what she said. "Mary Beth</p> <p>11 deals with the public satisfactory from my</p> <p>12 observation. She was determined to have</p> <p>13 committed a major offense recently with regard</p> <p>14 to dealing with dealing with a defendant and</p> <p>15 what was said to him."</p> <p>16 So she gave you a bad marking, again,</p> <p>17 based on something that did not occur during</p> <p>18 her tenure?</p> <p>19 A. That's correct.</p> <p>20 Q. So this would be a marking that somebody</p> <p>21 instructed her to make?</p> <p>22 A. I would think so because she -- she didn't</p> <p>23 know about it.</p>
<p style="text-align: right;">Page 346</p> <p>1 course of the day. I'm not sure.</p> <p>2 Q. It would either have been the first thing or</p> <p>3 the course of the day?</p> <p>4 A. Yes.</p> <p>5 Q. Did the judge tell you that somebody was</p> <p>6 dissatisfied with your attitude?</p> <p>7 A. No.</p> <p>8 Q. Did the judge initiate the conversation about</p> <p>9 whether you wanted your job, or did you</p> <p>10 initiate it?</p> <p>11 A. She did.</p> <p>12 (Brief pause)</p> <p>13 Q. Okay. I'll direct your attention to</p> <p>14 Defendants' Exhibit 30. Nancy Martin</p> <p>15 completed this evaluation; is that correct?</p> <p>16 A. That's correct.</p> <p>17 Q. December 30?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And she indicates here on the bottom of the</p> <p>20 first page that this major offense that you</p> <p>21 allegedly committed was not during her tenure?</p> <p>22 A. Right.</p> <p>23 Q. Is that correct?</p>	<p style="text-align: right;">Page 348</p> <p>1 Q. Who would be in a position to instruct Nancy</p> <p>2 to put anything on your evaluation?</p> <p>3 A. I assumed it would be the department head.</p> <p>4 Q. And who would that be?</p> <p>5 A. Judge Gordon.</p> <p>6 Q. Can you think of anyone else within the</p> <p>7 magistrate's office of being in a position to</p> <p>8 instruct Nancy to put some markings on your</p> <p>9 evaluation?</p> <p>10 A. No.</p> <p>11 Q. So either she did it on her initiative or she</p> <p>12 did it at the request of somebody in the</p> <p>13 position to make that request, right?</p> <p>14 A. Yes.</p> <p>15 Q. And the only person that could have been was</p> <p>16 the Defendant Gordon; is that correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Now, you indicated an Officer Etress -- how do</p> <p>19 you pronounce his name?</p> <p>20 A. Which --</p> <p>21 Q. He talked to you about this ticket, this --</p> <p>22 A. Etress.</p> <p>23 Q. Yeah, Etress. Did he talk to you in his</p>

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<p style="text-align: right;">Page 349</p> <p>1 office or what?</p> <p>2 A. Yes, in his office.</p> <p>3 Q. Who instructed you to go and talk to him?</p> <p>4 A. I don't -- I'm not sure. I believe he called</p> <p>5 and asked me to come to his office. I'm not</p> <p>6 sure if he did or if Judge Gordon did. I'm</p> <p>7 not sure. I don't remember.</p> <p>8 Q. Did you consider that a form of interrogation?</p> <p>9 A. Yes.</p> <p>10 Q. Did Officer Etress tell you to answer his</p> <p>11 questions?</p> <p>12 A. I believe so.</p> <p>13 Q. Did you feel you were free to leave at anytime</p> <p>14 and not --</p> <p>15 A. No.</p> <p>16 Q. -- answer his questions?</p> <p>17 A. No.</p> <p>18 Q. Do you have an opinion as to the consequences</p> <p>19 of what would happen had you left --</p> <p>20 A. I --</p> <p>21 Q. -- without his permission?</p> <p>22 A. I would've been probably written up or</p> <p>23 something else happen. I mean, I felt like I</p>	<p style="text-align: right;">Page 351</p> <p>1 administer a lie detector test and we could</p> <p>2 not refuse.</p> <p>3 Q. I see. And did he ask you during that</p> <p>4 conversation about your -- any contact you had</p> <p>5 had with Mary?</p> <p>6 A. I don't remember if it was the first incident</p> <p>7 or the second time. I think it was the second</p> <p>8 time he questioned me that he asked me about</p> <p>9 if I had any contact with Mary.</p> <p>10 Q. You mentioned that he interrogated you a</p> <p>11 second time the very next day?</p> <p>12 A. I believe it was the next day.</p> <p>13 Q. Was the purpose of this interrogation?</p> <p>14 A. He asked me if I had any contact with Mary.</p> <p>15 Q. Do you have any idea what would have motivated</p> <p>16 him to ask you about Mary the very next day?</p> <p>17 A. I don't know.</p> <p>18 Q. Do you know if he asked anyone else about</p> <p>19 Mary?</p> <p>20 A. I don't know.</p> <p>21 Q. Okay.</p> <p>22 A. I don't know.</p> <p>23 Q. And were you honest with him about your</p>
<p style="text-align: right;">Page 350</p> <p>1 had to stay and do what he instructed.</p> <p>2 Q. The ticket that he talked to you about, did</p> <p>3 you have anything to do with that ticket?</p> <p>4 A. No.</p> <p>5 Q. That was the ticket that you had no knowledge</p> <p>6 of, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And you haven't been charged with anything</p> <p>9 related to that ticket; is that correct?</p> <p>10 A. That's correct.</p> <p>11 Q. Now, sometime later, the police officers again</p> <p>12 had you in for interrogation?</p> <p>13 A. Yes.</p> <p>14 MS. NELSON: Object to the form.</p> <p>15 Q. And I think you testified about a lie</p> <p>16 detector?</p> <p>17 A. Yes.</p> <p>18 Q. Exactly how did that come up?</p> <p>19 A. I'm not -- you know, the only thing I know is</p> <p>20 that Sergeant Gray was adamant that the leak</p> <p>21 about Mary's investigation came from someone</p> <p>22 in our office, and that his comment was that</p> <p>23 if he felt like somebody was lying, he would</p>	<p style="text-align: right;">Page 352</p> <p>1 contacts with Mary?</p> <p>2 A. Yes.</p> <p>3 Q. And did you tell him the nature of the</p> <p>4 contact?</p> <p>5 A. Yes.</p> <p>6 Q. Did you feel you had done anything wrong?</p> <p>7 A. No.</p> <p>8 Q. Subsequent to that conversation with -- was it</p> <p>9 Officer Gray?</p> <p>10 A. Yes.</p> <p>11 Q. Did you talk with Defendant Gordon subsequent</p> <p>12 to your conversation with Officer Gray?</p> <p>13 A. Other than just that meeting that she had with</p> <p>14 all of us.</p> <p>15 Q. Well, that was prior to --</p> <p>16 A. That was prior to that.</p> <p>17 Q. But subsequent --</p> <p>18 A. No. Well, other than -- other than putting me</p> <p>19 on administrative leave.</p> <p>20 Q. Did she have a discussion with you when she</p> <p>21 put you on administrative leave?</p> <p>22 A. She just told me -- handed me the memo and</p> <p>23 told me to hand over my keys.</p>

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<p>Page 353</p> <p>1 Q. She didn't ask you your version of events?</p> <p>2 A. No. No.</p> <p>3 Q. She didn't ask you, why did you feel the need</p> <p>4 to talk to Mary?</p> <p>5 A. No.</p> <p>6 Q. She didn't ask you anything about the nature</p> <p>7 of your conversation with Mary?</p> <p>8 A. No.</p> <p>9 Q. So she just said, you're summarily on</p> <p>10 administrative leave?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And were you subsequently notified that</p> <p>13 you were terminated?</p> <p>14 A. Yes.</p> <p>15 Q. You were asked earlier about whether or not</p> <p>16 you felt the white employees that commit</p> <p>17 errors should be disciplined, and you said</p> <p>18 yeah. But as far as you know, white employees</p> <p>19 that committed any kind of misconduct, have</p> <p>20 they been disciplined?</p> <p>21 MS. NELSON: Object to the form.</p> <p>22 A. I'm sorry?</p> <p>23 Q. Are you aware of white employees who were</p>	<p>1 at this late date to determine</p> <p>2 she was disciplined, I think</p> <p>3 we're beyond that.</p> <p>4 Q. Listen to the question. Are you aware of any</p> <p>5 white employees, any white magistrates or</p> <p>6 other employees who were accused of misconduct</p> <p>7 being disciplined by the defendant?</p> <p>8 A. Yes.</p> <p>9 Q. Are you aware of any blacks who were accused</p> <p>10 of misconduct or errors being disciplined?</p> <p>11 A. No.</p> <p>12 MR. JAFFREE: And I'm through with</p> <p>13 her. I don't have any other</p> <p>14 questions. She's exhausted.</p> <p>15 Q. Your mind is drifting away from my questions.</p> <p>16 A. I thought you were talking about other than</p> <p>17 me. I'm sorry.</p> <p>18 Q. Or even other than you.</p> <p>19 A. Well, I knew --</p> <p>20 MS. NELSON: That's all you have?</p> <p>21 MR. JAFFREE: Yeah.</p> <p>22 Not that that's all I</p> <p>23 have. It's all I'm going to get</p>
<p>Page 354</p> <p>1 accused of any kind of misconduct being</p> <p>2 disciplined?</p> <p>3 A. Other than just what --</p> <p>4 Q. Do you understand the question?</p> <p>5 A. Ask me again.</p> <p>6 Q. Are you aware of any white employees who were</p> <p>7 accused of misconduct being disciplined by</p> <p>8 Defendant Gordon?</p> <p>9 A. No, not --</p> <p>10 Q. Listen to the question.</p> <p>11 MS. NELSON: You don't like her</p> <p>12 answer. Let her answer.</p> <p>13 MR. JAFFREE: Well, she's not</p> <p>14 listening to the question.</p> <p>15 Q. Listen to the question.</p> <p>16 MS. NELSON: No. You don't like her</p> <p>17 answer, so you're trying to get</p> <p>18 her to change it.</p> <p>19 MR. JAFFREE: Because, come on,</p> <p>20 obviously she was disciplined,</p> <p>21 so she's got to be aware.</p> <p>22 A. Oh, I'm sorry.</p> <p>23 MS. NELSON: If we're staying here</p>	<p>Page 356</p> <p>1 because I don't know what I'm</p> <p>2 going to get out of her, if</p> <p>3 she'd answer my question.</p> <p>4 EXAMINATION</p> <p>5 BY MS. NELSON:</p> <p>6 Q. He kept asking you about data entry errors</p> <p>7 that Eunice and Lavera committed but were not</p> <p>8 disciplined for. Tell me all of the data</p> <p>9 entry errors that they made.</p> <p>10 A. Well, I don't -- I mean, I've shared some of</p> <p>11 them with you today. I know that there were</p> <p>12 other magistrates that complained. I can't</p> <p>13 tell you specifically which cases they were,</p> <p>14 but I know that there were numerous mistakes.</p> <p>15 I know that we had mistakes with the money</p> <p>16 situation because Valarie Harris, the city</p> <p>17 auditor, and I talked about that. She made</p> <p>18 the judge aware of some of those errors.</p> <p>19 Q. Were these like keying errors or entry errors?</p> <p>20 A. Both. Yes.</p> <p>21 Q. Now, he showed you this transmittal form. Why</p> <p>22 do you void on a transmittal form; it's not a</p> <p>23 keying error, is it?</p>

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<p style="text-align: right;">Page 357</p> <p>1 A. A keying error?</p> <p>2 Q. A keying error, a data entry error?</p> <p>3 A. A data entry error?</p> <p>4 Q. Yeah, into a computer system?</p> <p>5 A. Well, it's -- I mean, I'm sorry. I don't understand the question.</p> <p>7 Q. You handwrote "void" on that transmittal sheet and drew a line through it?</p> <p>9 A. Correct.</p> <p>10 Q. That was your -- with a pen or pencil with your own handwriting?</p> <p>12 A. With a pen.</p> <p>13 Q. You were not keying into any type of data entry system or computer or typewriter, were you?</p> <p>16 A. I did not key that into -- that one into the computer, no, because I did not have it.</p> <p>18 Q. And your attorney -- through your attorney's I guess, more testimony than yours, tried to get you to say that that is a data -- I'm pointing to Defendants' 34 -- your striking through and writing "void" by Stephen Phelps' name as a data error. Is that your -- you call that a</p>	<p style="text-align: right;">Page 359</p> <p>1 A. I don't know. I mean, I don't -- I can't testify as to whether he was truthful or not. I can only testify as to what I know.</p> <p>4 Q. Would you say that hearing was a year or so ago?</p> <p>6 A. It was in 2005.</p> <p>7 Q. Would you say your memory was better then than it is now?</p> <p>9 A. I don't know. I mean, I -- about this particular incident? It could be, and it couldn't be. I mean --</p> <p>12 Q. Are you aware that Eunice or Lavera ever voided -- excuse me, ever struck through a UTC transmittal form indicating that a ticket should be void?</p> <p>16 A. No.</p> <p>17 Q. And the effect of writing "void" on this transmittal form was that ticket was not entered into the system and it's almost as if that ticket did not exist; isn't that the result of --</p> <p>22 A. Well, voided tickets do not get key in the computer. They don't get assigned a case</p>
<p style="text-align: right;">Page 358</p> <p>1 data entry error?</p> <p>2 A. That's states what happened to that ticket.</p> <p>3 Q. And are you aware that your testimony today is different than the testimony that you gave at the Appeals Board Hearing before the Personnel Board?</p> <p>7 A. No.</p> <p>8 MR. JAFFREE: Object. You didn't tell her how it's different, other than stating it's different.</p> <p>12 MS. NELSON: I don't have to tell her anything.</p> <p>14 MR. JAFFREE: Well, you told her, it was different.</p> <p>16 MS. NELSON: Well, I'm just asking her if she's aware it's different.</p> <p>19 Q. Are you aware of what Officer Duhaime's testimony was in that hearing?</p> <p>21 A. I don't recall his testimony.</p> <p>22 Q. Do you have any reason to believe that he was not being truthful at that hearing?</p>	<p style="text-align: right;">Page 360</p> <p>1 number.</p> <p>2 MR. JAFFREE: Her testimony was the ticket was not presented to be keyed into the computer anyway.</p> <p>5 Q. And if Officer Duhaime testified that he gave you the ticket, it's your testimony that he's not being truthful?</p> <p>8 A. I did not have that ticket when -- when I swore to this.</p> <p>10 Q. When did you remember, you did not have that ticket? You didn't remember that at the Personnel Board hearing, did you?</p> <p>13 A. I don't know. I don't -- I'd have to look over --</p> <p>15 Q. Did you just remember that today?</p> <p>16 A. Do what now?</p> <p>17 Q. Did you just remember today that you didn't have that ticket when you voided this transmittal form?</p> <p>20 A. When I -- when I wrote "void" through there, I did not have that ticket at that time when I keyed them into the computer.</p> <p>22 Q. Because you'd given -- you had it and you had</p>

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<p>1 even sworn to it, hadn't you, and then you 2 gave it back to Duhaime, didn't you?</p> <p>3 A. No, ma'am.</p> <p>4 Q. Did you ever see that ticket?</p> <p>5 A. No, ma'am. I didn't even sign the ticket, but 6 I'd sworn to it. I mean, I didn't even have 7 it.</p> <p>8 Q. How do you know you didn't sign it?</p> <p>9 A. Because you showed it to me. I mean, I was 10 showed (sic) it. I showed -- it was shown to 11 me during the Personnel Board hearing.</p> <p>12 Q. And you don't know what Officer Duhaime's 13 testimony was in that regard?</p> <p>14 A. I don't recall. I'd have to go back and read 15 it. I don't recall.</p> <p>16 Q. Do you have any reason to believe he would not 17 be truthful?</p> <p>18 A. I don't know unless he was covering for 19 himself to where he didn't get in trouble. I 20 don't know.</p> <p>21 Q. Do you know what contact Mary Turner may have 22 had with him about this ticket?</p> <p>23 A. Not other than what was presented at -- at my</p>	<p>1 A. When they were going over that with me as far 2 as maybe stating, you know, or by reading me 3 it, they didn't --</p> <p>4 Q. You're saying, you verbally disagreed with 5 them?</p> <p>6 A. I -- I could have. I'm sure I did. I 7 don't -- I wasn't told or shown anything that 8 if an attorney complained, I wasn't shown 9 anything where a attorney had complained. 10 I'm not going to sit there and say that, 11 yes, I agree with you stating that about that 12 attorney whenever I don't -- I -- I would've 13 said, no, I didn't agree.</p> <p>14 Q. Didn't you have an opportunity to ask Donna 15 about it, Gayle about it, Bettye about it, if 16 there was a negative remark on your 17 evaluation?</p> <p>18 A. I -- I could have. I don't remember each and 19 every evaluation, what was said.</p> <p>20 Q. Well, you seem to be somebody that has strong 21 convictions or strong will, and if somebody 22 had put down something that was not true or 23 you disagree with, that you would let them</p>
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<p>1 hearing.</p> <p>2 Q. Do you remember that part?</p> <p>3 A. No. I'd have to go back and read it. I mean, 4 I don't remember the whole -- the whole 5 story.</p> <p>6 Q. Now, you said -- and I asked you and your 7 attorney asked you that on all your 8 evaluations that I went through with you, you 9 concurred on the statements that were put in 10 there; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And you did this whether it was Gayle Schwarz 13 or Donna Nicholson or Bettye King or Judge 14 Gordon; isn't that true?</p> <p>15 A. Yes.</p> <p>16 Q. And you had every opportunity to write down if 17 you disagreed or if you agreed or if you had a 18 question about it, didn't you?</p> <p>19 A. I had an opportunity to do that, yes.</p> <p>20 Q. And you chose to concur with what was written?</p> <p>21 A. Yes. But that -- that doesn't mean I did not 22 dispute it verbally at the time.</p> <p>23 Q. "Dispute it verbally" meaning what?</p>	<p>1 know about it.</p> <p>2 A. Well, I -- I could have verbally, but I didn't 3 write it down on the actual evaluation.</p> <p>4 Q. And it wasn't true and it affected your 5 evaluation, you're telling me it wasn't 6 important enough to you to make more of an 7 issue of it?</p> <p>8 A. Well, it wouldn't change it.</p> <p>9 Q. How do you know?</p> <p>10 A. They can't change the evaluations.</p> <p>11 Q. How do you know?</p> <p>12 A. I don't -- I don't know of any being able.</p> <p>13 Q. You don't know. Have you ever been a manager 14 for the City of Dothan?</p> <p>15 A. No.</p> <p>16 Q. So you don't know for a fact that they 17 couldn't change an evaluation, do you?</p> <p>18 A. I don't know.</p> <p>19 Q. When Officer Etress was talking to you about 20 a -- you were talking about a ticket. Was 21 this a ticket involving Mary Turner and 22 Bradley Phelps?</p> <p>23 A. I don't -- I don't think it was him. I think</p>

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<p style="text-align: right;">Page 365</p> <p>1 it was involving Stephen Phelps, if I'm -- if 2 I'm correct on it.</p> <p>Q. Etress talked to you about Stephen Phelps?</p> <p>4 A. I believe so, yes.</p> <p>Q. And did that ticket -- I'm sorry. I thought 6 you said -- did he ask you about your 7 involvement with the Stephen Phelps' ticket; 8 was he talking to you about --</p> <p>9 A. Yes.</p> <p>Q. -- Defendants' 34?</p> <p>10 A. Yes.</p> <p>Q. Was he in any way asking you about Mary 12 Turner's involvement with the --</p> <p>14 A. Yes.</p> <p>Q. -- Stephen Phelps' ticket?</p> <p>16 A. From what recall. I don't -- I mean, I don't 17 know of everything that was said. But I'm -- 18 I'm sure he did. But I don't recall anything 19 that was said about that. But I do know it 20 was about this incident.</p> <p>Q. And you're talking about Stephen Phelps?</p> <p>22 A. Yes.</p> <p>Q. Were you ever questioned about -- and I'm</p>	<p style="text-align: right;">Page 367</p> <p>1 Q. Did you have any reason to question their 2 rationale for doing that?</p> <p>3 A. Well, I didn't question them on that. I 4 don't -- I don't understand what you're 5 saying.</p> <p>6 Q. Well, according to your attorney, you were 7 held hostage and kept in a room and 8 interrogated and --</p> <p>9 A. Well, I wasn't allowed to leave.</p> <p>10 Q. Well, were you not expected as an employee of 11 the City who might have knowledge of either of 12 a crime being committed or some wrongdoing in 13 your department to cooperate and tell them 14 what you knew?</p> <p>15 A. Well, I did cooperate.</p> <p>Q. Okay.</p> <p>17 A. Yes.</p> <p>Q. I mean, you did have an option of leaving; 19 your option may have been lack of cooperation 20 and you might have lost your job. Is that 21 what you're saying?</p> <p>22 A. Well, I -- that's what -- yes. Because I was 23 told if I didn't cooperate with them or if I</p>
<p style="text-align: right;">Page 366</p> <p>1 Q. Sorry. I'm either saying it's Bradley Phelps 2 or Brady Phelps. Were you ever questioned 3 about that?</p> <p>4 A. I don't believe I was.</p> <p>Q. And to your knowledge -- I mean, it was the 5 police department conducting an investigation 6 into some alleged criminal activity by Mary 7 Turner, is what started all this?</p> <p>9 A. When I went to Officer Etress, that's when I 10 learned that at that time.</p> <p>Q. And as an employee of the City who worked in 11 the magistrate's office who, I guess, had some 12 involvement with the Stephen Phelps' ticket 13 who knew Mary Turner and worked with Mary 14 Turner, did you have any reason to question 15 the City's ability or rationale or reason for 16 investigating a serious accusation like that?</p> <p>18 A. I'm sorry. I don't understand.</p> <p>Q. Did you have any reason as an employee of the 19 city magistrate's office to question the City 20 looking into criminal activity -- alleged 21 criminal activity by your co-employee?</p> <p>23 A. Did I have any right to do that?</p>	<p style="text-align: right;">Page 368</p> <p>1 didn't sign something, I would be guilty of 2 insubordination. So I knew that, you know, I 3 didn't want to lose my job.</p> <p>4 Q. In your mind, is that an unreasonable request?</p> <p>5 A. I think so. I think it --</p> <p>Q. You felt like as an employee you should not 6 have to cooperate?</p> <p>8 A. No, not --</p> <p>Q. You didn't have to tell them what you knew?</p> <p>10 A. No.</p> <p>Q. You were free to leave?</p> <p>12 A. Yeah, if I wanted to lose my job.</p> <p>Q. Yeah. But --</p> <p>14 A. I didn't want to lose my job.</p> <p>Q. Well, they weren't going to throw you in jail; 15 they weren't going to handcuff you, were they?</p> <p>17 A. They -- on the questioning and the way that 18 they were presenting themselves, it was as if 19 I was a criminal sitting in a chair and they 20 were just -- not badgering, but they were very 21 harsh with their tone and the way that they 22 were questioning me. 23 And, no, I could not leave because I had</p>

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<p style="text-align: right;">Page 369</p> <p>1 to answer and cooperate with them. So I felt 2 like I had to stay there --</p> <p>3 Q. Did you feel like that was an unreasonable --</p> <p>4 A. -- for my job.</p> <p>5 Q. -- request?</p> <p>6 A. The way that it went about, that first one, 7 yes, I do. I feel like that Judge Gordon 8 should have handled that.</p> <p>9 Q. The first one?</p> <p>10 A. I believe that she --</p> <p>11 Q. The one in 2001?</p> <p>12 A. Yes. But I also believe on the other one, 13 that it should have -- my department head 14 should've been able to call me in as her 15 employee and talk to me about a situation and 16 give --</p> <p>17 Q. I understand that you don't agree with the way 18 that it was handled, but are you aware that 19 other people were questioned?</p> <p>20 A. I assume some others were questioned.</p> <p>21 Q. And do you know how they were questioned?</p> <p>22 A. No.</p> <p>23 Q. If the same questions were asked, if they were</p>	<p style="text-align: right;">Page 371</p> <p>1 hypothetical. That's a policy 2 of the City.</p> <p>3 Q. Do you think the City can ask certain things 4 of its employees --</p> <p>5 MR. JAFFREE: Anyway.</p> <p>6 Q. -- to cooperate?</p> <p>7 MR. JAFFREE: I object to the 8 badgering of this witness, 9 trying to make her think like 10 you think, that there was 11 nothing wrong with the police 12 interrogating her by every time 13 a judge decides that they want 14 some information.</p> <p>15 MS. NELSON: Well, you have no 16 evidence that it was the judge 17 that wanted that information, 18 number one, or who started the 19 investigations in the first 20 place.</p> <p>21 MR. JAFFREE: Well, I think I do.</p> <p>22 MS. NELSON: And, you know, your 23 view of the world is that nobody</p>
<p style="text-align: right;">Page 370</p> <p>1 called in, if they were told they had to 2 cooperate?</p> <p>3 A. I don't have any idea because I asked for 4 copies of things, but I was not given them.</p> <p>5 Q. Are you aware the City has a drug testing 6 policy, and if you're suspected of using 7 drugs, that you're expected to cooperate and 8 give a drug test or you're going to be fired?</p> <p>9 Do you know that's the policy?</p> <p>10 A. I'm not sure if that's the policy, but I do 11 know that they can drug test you.</p> <p>12 Q. Well, do you think that's unreasonable?</p> <p>13 A. No.</p> <p>14 Q. They can send you for a drug test and tell you 15 to cooperate or you're going to be fired?</p> <p>16 MR. JAFFREE: Let me object. This 17 is entirely argumentative.</p> <p>18 MS. NELSON: No, it's not.</p> <p>19 MR. JAFFREE: She's telling you that 20 she thought it was unreasonable, 21 and you're trying to give her 22 some hypotheticals of what --</p> <p>23 MS. NELSON: That's not a</p>	<p style="text-align: right;">Page 372</p> <p>1 has to cooperate and a city 2 cannot have any rules.</p> <p>3 MR. JAFFREE: That's not quite my 4 view of the world.</p> <p>5 MS. NELSON: And she can ignore them 6 all she wants.</p> <p>7 MR. JAFFREE: That's not quite my 8 view, but I'm just objecting for 9 the Record. Okay?</p> <p>10 MS. NELSON: Okay. I believe that's 11 all I have.</p> <p>12 MR. JAFFREE: I've got to cover this 13 one area that you just covered. 14 In cross-examination --</p> <p>15 MS. NELSON: You don't get to 16 cross-examine your own witness 17 and you can't lead her.</p> <p>18 MR. JAFFREE: But you said something 19 that's going to leave a 20 misleading impression, that she 21 gave a different statement than 22 she gave before.</p> <p>23 MS. NELSON: She did.</p>

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<p style="text-align: right;">Page 373</p> <p>1 MR. JAFFREE: And I'm going to cover 2 that. 3 EXAMINATION 4 BY MR. JAFFREE: 5 Q. Is it possible that the -- that a police 6 officer could have left tickets, and before 7 you got them and examined them, one of the 8 tickets could have been retrieved by anybody 9 and given back to the police officer?</p> <p>10 MS. NELSON: Object to the form. 11 That's so hypothetical. 12 MR. JAFFREE: That's hypothetical 13 and it may be likely what 14 happened her.</p> <p>15 Q. If a police officer says that he left the 16 tickets, but at the time you examined them, 17 the ticket wasn't present, can those two 18 things both exist?</p> <p>19 MS. NELSON: Object to the form. 20 There's no evidence that 21 occurred. That's totally 22 speculative.</p> <p>23 MR. JAFFREE: Well, the evidence is</p>	<p style="text-align: right;">Page 375</p> <p>1 ticket. 2 MR. JAFFREE: Well, there's no 3 evidence that she had the ticket 4 at the time she made this data 5 entry, and I contend that 6 putting any kind of entry on 7 this form is data. 8 MS. NELSON: You're not here 9 testifying today. 10 MR. JAFFREE: But my question is to 11 her: 12 Q. Are those two inconsistent, that he could've 13 left the ticket, but at the time you did these 14 entries, the ticket was no longer there?</p> <p>15 MS. NELSON: Object to the form. 16 A. Yes. 17 Q. Are these tickets kept in a safe at all 18 times? So from the time an officer gives them 19 to you until the time you look at them and put 20 in the computer, they're in a safe and nobody 21 else can touch them?</p> <p>22 A. No. 23 Q. Are they where other people who are employed</p>
<p style="text-align: right;">Page 374</p> <p>1 that Mary Turner retrieved the 2 ticket and sent it back to the 3 police officer in an envelope. 4 That's the evidence. But the 5 question is whether she -- 6 MS. NELSON: No, it's not the 7 evidence. 8 MR. JAFFREE: That is the evidence. 9 The evidence is Mary Turner sent 10 the tickets back to the police 11 officer in an envelope. 12 MS. NELSON: I object to your 13 testifying. That's not the 14 evidence. 15 MR. JAFFREE: Well, that's the 16 evidence that I know about in 17 this case. There's no evidence 18 that she sent the tickets back 19 to the police officer or he came 20 and got them back from her 21 physically. 22 MS. NELSON: But there is the 23 evidence that she had the</p>	<p style="text-align: right;">Page 376</p> <p>1 with the magistrate's office can obtain access 2 to these tickets?</p> <p>3 A. Yes. 4 Q. So if some magistrate wanted to come and rifle 5 through some tickets and pull one out, would 6 they have been able to do it?</p> <p>7 MS. NELSON: Object to the form. 8 Q. You understand the question?</p> <p>9 A. Yes. 10 Q. That could've happened, right?</p> <p>11 A. Yes. 12 Q. And you testified earlier that not all the 13 times you're putting the data entry in at the 14 same time he hands you the ticket. If that 15 had happened, when you went to put this data 16 entry in, this ticket would've been present, 17 correct?</p> <p>18 A. Correct. 19 MS. NELSON: Object to the form. 20 Q. So if you called him and asked him and he says 21 that he got the ticket or he had voided it 22 out, then your putting "void" is consistent 23 with what he said, right?</p>

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1	A. Yes.	1 these entries in, there was no ticket?	
2	Q. So that could be consistent with his 3 testimony, that he left the tickets and 4 somebody sent them back to him, but you never 5 had the ticket when you put this entry in?	2 A. That's correct. 3 Q. Because there would've been no reason for you 4 not to put the entry in, correct? 5 A. That's correct. 6 Q. Is that your testimony? 7 A. Yes. 8 Q. Are you comfortable with that testimony? 9 A. Yes. 10 MS. NELSON: Object to form. 11 Q. You understand that? 12 A. Yes. 13 Q. And you understand how that could happen? 14 A. Yes. 15 Q. Would that be a difference in your testimony 16 from before? 17 A. No. Because at the time I had written that on 18 there, I did not have the ticket. 19 Q. If you had the ticket and the police officer 20 had not talked to you, would there have been 21 any reason for you to not go ahead and put it 22 in, and on the original, is there any 23 indication that the original was whited out? A. No. Q. So you're putting these numbers in, right? A. Right. Q. You know, you've got --	10 MS. NELSON: Object to the form. 11 All that's hypothetical. 12 EXAMINATION 13 BY MS. NELSON: 14 Q. Do you have any evidence that you left the 15 tickets in a stack and somebody filtered 16 through them and took it out and wasn't there 17 when you did this? A. There is a basket in the main area where we put tickets that have to be keyed in, that we put those in there. Q. And it's your testimony that somebody rifled through there and pulled that out, and that's why you didn't have it?
1	A. Well, the tickets are not immediately keyed in 2 the system when an officer turns them in to 3 us. Q. Yeah. Well, I understand that. But if you 4 keyed in these and if the officer -- nobody 5 had told you that they wanted the ticket back, 6 would there be any reason for you not to key 7 in that ticket if you had it? Are you following me? A. Right. Q. So, now, you could have keyed it in and 8 whited out, but is there any evidence that was 9 presented to you that this entry had been 10 whited out and voided, written over it? A. No. Q. And can you generally tell if something is 11 whited out and you write "void" over it -- 12 over Wite-Out? A. If -- yeah, I mean, I would think so. Q. I mean, most people can tell because the 13 Wite-Out distorts the words, right? A. Yes. Q. So absent of Wite-Out, at the time you put	1 A. It could happen. I mean, I could've -- 2 Q. But do you have any evidence that it did 3 happen? MR. JAFFREE: It -- MS. NELSON: No. I'm asking her questions now. Q. You don't have any evidence that that happened do you? A. I -- I don't understand. Q. It's just as possible that Mary Turner called you and said, void that ticket -- A. No, ma'am. Q. -- on Stephen Phelps? A. No, ma'am. MR. JAFFREE: That didn't happen. A. No, that didn't happen. MR. JAFFREE: Now, you're speculating. Q. How many times in your career as magistrate have you ever, ever done this before? A. I don't recall. Q. And you're under oath. You've never done it before, have you?	

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1 A. I don't know. I -- I've -- I had -- I've 2 testified to the fact that if tickets are 3 missing when you're keying them in and you 4 don't have it, either the officer --		1 questions. 2 MR. JAFFREE: Oh, okay. 3 MS. NELSON: I have no questions.	
5 Q. You track that officer down, you find that 6 ticket, and you get to the bottom of this. 7 You've never voided -- there is never -- there 8 is not a transmittal form on record that 9 you've ever done this to, is there?		4 EXAMINATION 5 BY MR. JAFFREE:	
10 A. Not to my knowledge. 11 EXAMINATION 12 BY MR. JAFFREE:		6 Q. All right. Just one final question. Are you 7 required to sign the ticket when you put it in 8 the computer? 9 A. It should be signed when it's put in the 10 computer. 11 Q. Should it be signed by you if you put it in? 12 A. Yes. Well, not if you put it in. I mean, I 13 can key in other tickets that need to be keyed 14 in the system, but they were sworn to by other 15 magistrates.	
13 Q. Have you seen all the transmittal forms? 14 A. No. 15 MS. NELSON: I said that she had 16 filled out, and she said, not to 17 her knowledge.		16 Q. But the ticket is supposed to be signed by a 17 magistrate, right? 18 A. Yes. 19 Q. Was that ticket signed by a magistrate? 20 A. No. 21 Q. Which meant what? 22 A. That it was wasn't sworn to. I mean, I 23 don't --	
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1 I'm not saying that it hasn't happened, but 2 I'm not seen that it has. 3 EXAMINATION 4 BY MS. NELSON: 5 Q. What do you mean, you've not seen every 6 transmittal form you filled out; you have to 7 sign them, don't you? 8 A. Ma'am, I have signed a lot of transmittal 9 forms over my years that I was employed. I'm 10 not -- 11 Q. When do you sign this, when the officer gives 12 it to you -- gives you the ticket? 13 A. Yes. 14 Q. And you're certifying that you had all of 15 these tickets when you signed that, didn't 16 you? 17 A. I did not verify -- I know I signed that, but 18 I did not verify that I had the ticket which 19 matched the transmittal. That's something 20 that all magistrates -- I know that they have 21 not done. 22 MR. JAFFREE: Let me ask you this. 23 MS. NELSON: I'm still asking her		1 Q. So when a ticket is signed by a magistrate, 2 that's when it's sworn to, right? 3 Is this the ticket here, Defendants' 4 Exhibit 35? 5 A. Yes. 6 Q. Where on Defendants' Exhibit 35 should a 7 magistrate sign? 8 A. There (indicating.) 9 Q. Where it says, "verified and acknowledged 10 before me this date," judge, and a magistrate, 11 right? 12 A. Yes. 13 Q. And so for the ticket to be put into the 14 system, it's got to be signed by a magistrate? 15 A. Well, there were times that it's happened. 16 If -- if a -- if the magistrate forgets to 17 sign it, we'll get them to sign it, you know, 18 if we pulled the transmittal and found out who 19 swore to it. It should be signed. 20 Q. So there's no dispute this ticket was never 21 put into the system? 22 A. No, it was not. 23 Q. And you don't know whether or not the ticket	

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1 **was ever provided by Officer Duhaime or not,**
2 **do you?**

3 A. No, I don't.

4 **Q. Prior to your hearing, do you recall ever**
5 **seeing this ticket?**

6 A. No. I mean, I don't recall seeing it. For my
7 hearing? Oh, well, during the investigation
8 part.

9 **Q. Yeah.**

10 A. Yeah.

11 **Q. Prior to your administrative hearing, do you**
12 **recall seeing that ticket?**

13 I mean, is there anything about that
14 ticket that stands out, caused you to remember
15 it over the thousands of tickets --

16 A. No.

17 **Q. -- that you processed?**

18 A. No.

19 **Q. But your signature is not on it?**

20 A. That's correct.

21 MR. JAFFREE: I have nothing
22 further.

23

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1 **MS. NELSON: I have nothing. Thank**
2 **you.**

3 (Deposition concluded at 5:55 p.m.)

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